



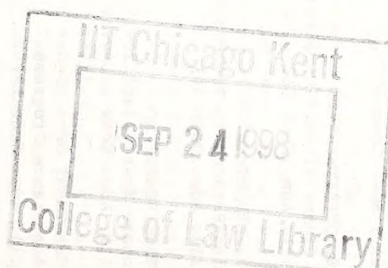
1998

Illinois Register

Rules of Governmental Agencies

Volume 22, Issue 38—September 18, 1998

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Index Department
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(217) 782-7017
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published by
George H. Ryan
Secretary of State

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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April	17, 1998 - Issue 16:	Through	March	31, 1998
July	17, 1998 - Issue 29:	Through	June	30, 1998
October	16, 1998 - Issue 42:	Through	September	30, 1998
January	15, 1999 - Issue 3:	Through	December	31, 1998 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1998

Material Rec'd before 4:30 p.m. on:	Will be in Issue #:	Published on:
July 13, 1998	30	July 24, 1998
July 20, 1998	31	July 31, 1998
July 28, 1998	32	Aug. 7, 1998
Aug. 3, 1998	33	Aug. 14, 1998
Aug. 10, 1998	34	Aug. 21, 1998
Aug. 17, 1998	35	Aug. 28, 1998
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Sept. 21, 1998	40	Oct. 2, 1998
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Oct. 5, 1998	42	Oct. 16, 1998
Oct. 13, 1998*	43	Oct. 23, 1998
Oct. 19, 1998	44	Oct. 30, 1998
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Dec. 7, 1998	51	Dec. 18, 1998
Dec. 14, 1998	52	Dec. 28, 1998
Dec. 21, 1998	1	Jan. 4, 1999
Dec. 28, 1998	2	Jan. 8, 1999

*Please note: If the state holiday falls on a Monday, the deadline will be 12 noon on Tuesday (the next day).

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of Part: Meat and Poultry Inspection Act

2) Code Citation: 8 Ill. Adm. Code 125

3) Section Number:
125.40 Proposed Action:
Amended
125.142 Amended

4) Statutory Authority: Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

5) A Complete Description of the Subjects and Issues Involved: In Section 125.40, all of 9 CFR 305.1 will be incorporated by reference regarding official numbers assigned to State-inspected meat processing/slaughtering establishments, subsidiaries, and tenants granted inspection. On August 1, 1997, the Department adopted changes in federal rules that: established pathogen reduction performance standards for Salmonella that slaughter establishments and establishments producing raw ground products must meet; and required all meat and poultry establishments to develop and implement a system of preventive controls designed to improve the safety of their products, known as Hazard Analysis and Critical Control Points (HACCP). Implementation dates were established in Section 125.142 for large, small, and very small establishments. This rulemaking will move up the implementation dates by nine months for small and very small plants. This change is needed for Illinois' meat and poultry establishments to be consistent with both federal regulations and other State meat inspection programs and therefore be able to comply with interstate shipping requirements. The Department will be working with these plants to help them prepare for the earlier implementation dates.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period for receiving comments from the public will begin on the day the notice of rulemaking appears in the *Illinois Register*. Written comments should be sent to the attention of:

Debbie Wakefield

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: State-inspected meat and poultry licensed establishments.

B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking will require that small and very small establishments implement federal requirements nine months sooner than is presently required in Illinois' regulations.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

13) Regulatory agenda on which this rulemaking was summarized: July 1998 (for amendment in Section 125.40). The amendments in Section 125.142 to change the implementation dates for HACCP and the Salmonella pathogen reduction performance standards were not anticipated at the time the July 1998 regulatory agenda was published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

PART 125
 MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR
 POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products

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Section	
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125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; peremptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; peremptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; peremptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; peremptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; peremptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; peremptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section 125.40 Official Number

The Department incorporates by reference 9 CFR 305.114~~et~~ (1997).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 125.142 Hazard Analysis and Critical Control Point (HACCP) Systems

The Department incorporates by reference 9 CFR 417 (1997; 62 FR 61007, effective January 13, 1998). The HACCP regulations set forth in 9 CFR 417 and related provisions set forth in 9 CFR 304, 327, and 381 will be applicable as follows:

- In large establishments, defined as all establishments with 500 or more employees, on October 1, 1998;
- In smaller establishments, defined as all establishments with 10 or more employees but fewer than 500, on January 25, October-17 1999;
- In very small establishments, defined as all establishments with fewer than 10 employees or annual sales of less than \$2.5 million, on January 25, October-17 2000.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Proposed Action:
 310.230 Amended
 310.270 Amended
 310.280 Amended
 310.280 Amended
 310.280 Amended
 310.280 Amended
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.230, Part-time Daily or Hourly Special Services Rate, the per diem hourly and monthly rates for the Office Aide, Office Assistant, Office Associate and Office Clerk is being increased to reflect the 3% general salary increase given to the RC-014 Collective Bargaining Unit salary schedule for these titles.
- In Section 310.270, Legislated and Contracted Rate, the Arbitrator's annual salary is being increased from \$81,509 to \$85,748 for Fiscal Year 1999.
- In Section 310.280, Designated Rate, the Public Service Administrator position is being deleted in the Department of Children and Family Services. This revision has already been approved by the Governor prior to filing this amendment.
- In Section 310.290, Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1999, the Site Superintendent title is being added with the salary range of \$2,240.00 - \$4,466.00, monthly. (For the current FY99 salary schedule being utilized for the other broad-banded classes, see the July 17, 1998 *Illinois Register*, Issue 29, at 22 Ill. Reg. 12607.)
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.110	Amended	22 Ill. Reg. 12422
310.130	Amended	22 Ill. Reg. 12422
310.290	Amended	22 Ill. Reg. 12422
310.450	Amended	22 Ill. Reg. 12422

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 310.495 Amended 22 Ill. Reg. 12422
 310.530 Amended 22 Ill. Reg. 12422
 310.540 Amended 22 Ill. Reg. 12422
 310. Appendix B Amended 22 Ill. Reg. 12422
 310. Appendix C Amended 22 Ill. Reg. 12422
 310. Appendix D Amended 22 Ill. Reg. 12422
 310. Appendix G Amended 22 Ill. Reg. 12422
- 10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other Jurisdictional bodies within the State.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
 Mr. Michael Murphy
 Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, Illinois 62706
 (217) 782-5601
- 12) Initial Regulatory Flexibility Analysis:
 A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the Jurisdiction of the Governor.
 B) Reporting, bookkeeping or other procedures required for compliance: None
 C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 1998
- The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1998
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases
310.455 Intermittent Merit Increase
310.456 Merit Zone (Repealed)
310.460 Other Pay Increases
310.470 Adjustment
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.495 Broad-Band Pay Range Classes
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase Guidechart for Fiscal Year 1998
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

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TABLE X	RC-063 (Professional Employees, AFSCME)
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APPENDIX C	Medical Administrator Rates for Fiscal Year 1998
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1998
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1998

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

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Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; emergency amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; emergency amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; emergency amendment at 14 Ill. Reg. 18854, effective November 13, 1990; emergency amendment at 15 Ill. Reg. 663,

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effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21859, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

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22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; amended at 22 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those

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classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Account Technician II	11.00 to 14.08 (hourly)
Aptary Inspector	83 to 106 (daily)
Building/Grounds Laborer	8.28 to 10.15 (hourly)
Building/Grounds Lead I	5.15 to 6.00 (hourly)
Building/Grounds Lead II	5.15 to 7.00 (hourly)
Building/Grounds Maintenance Worker	5.25 to 8.00 (hourly)
Chaplain I	5.15 to 6.00 (hourly)
Chemist I	39 to 70 (daily)
Conservation/Historic Preservation Worker	39 to 45 (daily)
Conservation/Historic Preservation Worker (2nd season -- site interpretation)	5.15 to 6.50 (hourly)
Conservation/Historic Preservation Worker (3rd season -- site interpretation)	5.15 to 6.50 (hourly)
Dentist I	5.15 to 6.50 (hourly)
Dentist II	70 to 150 (daily)
Educator	100 to 185 (daily)
Educator Aide	39 to 85 (daily)
Guard II	39 (daily)
Guard III	67 to 84 (daily)
Hearing and Speech Advanced Specialist	75 to 96 (daily)
Hearings Referee	15 to 30 (hourly)
Janitor I	75 to 200 (daily)
Labor Maintenance Lead Worker	5.15 to 5.30 (hourly)
Labor Relations Investigator	5.15 to 6.00 (hourly)
Laborer (Maintenance)	39 to 70 (daily)
Maintenance Worker	5.15 to 5.70 (hourly)
Occupational Therapist	5.15 to 5.00 (hourly)
Program Coordinator	40 to 160 (daily)
Office Aide	8.36 to 11.03 (hourly)
	8.12 to 10.71 (hourly)
	62 to 83 (daily)
	60 to 80 (daily)
Office Assistant	9.44 to 12.74 (hourly)
	9.16 to 12.36 (hourly)
	70 to 96 (daily)
	60 to 93 (daily)
Office Associate	10.10 to 13.84 (hourly)
	9.00 to 13.44 (hourly)
	75 to 104 (daily)
	73 to 101 (daily)

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Office Clerk

	8.83 to 11.83 (hourly)
	8.50 to 11.49 (hourly)
	66 to 89 (daily)
	64 to 86 (daily)
Optometrist	15 to 35 (hourly)
	50 to 160 (daily)
Physician	100 to 300 (daily)
Physician Specialist (A)	20 to 60 (hourly)
	100 to 325 (daily)
Physician Specialist (B)	20 to 70 (hourly)
	100 to 350 (daily)
Physician Specialist (C)	20 to 105 (hourly)
	100 to 360 (daily)
Physician Specialist (D)	20 to 115 (hourly)
	100 to 370 (daily)
Podiatrist	50 to 125 (daily)
Psychologist I	39 to 80 (daily)
Psychologist II	40 to 125 (daily)
Psychologist III	40 to 150 (daily)
Recreation Worker I	5.33 (hourly)
	40 to 45 (daily)
Registered Nurse I	39 to 54 (daily)
Registered Nurse I (2nd or 3rd shift)	41 to 56 (daily)
Registered Nurse I (Cook County)	43 to 58 (daily)
Registered Nurse I (Cook County - 2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II	43 to 58 (daily)
Registered Nurse II (2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II (Cook County)	45 to 60 (daily)
Registered Nurse II (Cook County - 2nd or 3rd shift)	47 to 62 (daily)
Revenue Tax Specialist I	11.56 to 16.16 (hourly)
	86 to 122 (daily)
Social Worker II	39 to 75 (daily)
Social Worker III	39 to 80 (daily)
Student Worker	5.15 to 8.00 (hourly)
Technical Advisor II	32 to 35 (hourly)
Technical Advisor III	32 to 60 (hourly)
Veterinarian II	95 to 130 (daily)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 310.270 Legislated and Contracted Rate

The rate of pay for employees occupying positions which require payment in

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accordance with specified rates set forth in legislation or by contract. The positions and rates of pay in this Section are as follows:

Arbitrator

Annual Salary

85,748
847,569

When an Arbitrator is serving as an acting Commissioner of the Illinois Industrial Commission, the appropriate rate will be the same as the rate set for a Commissioner.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Children & Family ServicesPublic Service Administrator

(Pos. No. 37015-16-00-070-20-01)

Annual Salary
72,000

Department of Commerce & Community AffairsEconomic Development Representative II

(Pos. No. 12932-42-35-110-10-02)

Annual Salary
51,912

Private Secretary II

Pos. No. 34202-42-00-000-01-02)

Annual Salary
46,188

Public Information Officer IV

(Pos. No. 37004-42-00-005-10-01)

Annual Salary
56,184

Public Service Administrator

(Pos. No. 37015-42-35-140-20-01)

Annual Salary
69,528

Department of InsuranceSenior Public Service Administrator

(Pos. No. 40070-14-00-000-00-06)

Annual Salary
100,992

Department of Human ServicesMedical Administrator I, Option D

Annual Salary

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(Pos. No. 26401-10-79-006-00-21)

142,368

Medical Administrator I, Option D

Annual Salary

131,250

Public Service Administrator

Annual Salary

67,428

Senior Public Service Administrator

Annual Salary

105,480

Department of Natural Resources

Administrative Assistant II

Annual Salary

50,520

Department of State Police

Senior Public Service Administrator

Annual Salary

104,151

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1998

Title	Minimum Salary	Maximum Salary
Human Resources Representative	1,891	3,540
Human Resources Specialist	2,175	4,210
Public Service Administrator	2,536	5,382
Senior Public Service Administrator,	3,494	6,097
Level I		
Senior Public Service Administrator,	4,292	7,972
Level II		
Site Superintendent	2,240	4,466

Broad-Band Pay Range Classes Salary Schedule (Alternative Retirement Formula only) - Monthly Rates of Pay for Fiscal Year 1998

Title	Minimum Salary	Maximum Salary
Human Resources Representative	1,891	3,646
Human Resources Specialist	2,175	4,336
Public Service Administrator	2,536	5,543
Senior Public Service Administrator,	3,494	6,280
Level I		
Senior Public Service Administrator,	4,292	8,211
Level II		

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Customer Financial Participation
- 2) Code Citation: 89 Ill. Adm. Code 562
- 3) Section Numbers: Proposed Action:
562.20 Amendments
562.30 Amendments
APPENDIX A Added
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 (a), (b) and (k)].
- 5) A Complete Description of the Subjects and Issues involved: This amendment revises this Section to replace the standard budget allowance figure in the present rule with the latest federal figures. The amendment also changes the definition of "dependent" to address recommendations made by ORS staff to clarify the definition for counselors and customers. Other changes made to the Section reflect the limits of the financial participation to Vocational Rehabilitation Program of the Office of Rehabilitation Services within the Department of Human Services.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking creates or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, IL 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

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If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 562

CUSTOMER FINANCIAL PARTICIPATION

Section

562.10	General Applicability
562.20	Definitions
562.30	Financial Analysis Completion
562.40	Financial Participation
562.50	Client Emancipation (Repealed)
562.60	Consideration of Settlements from Litigation or Other Sources
562.70	Refusal to Financially Participate (Repealed)
562.80	Timing of Financial Analysis (Repealed)
562.90	Impact of Review of Financial Analysis
562.100	Exclusion for Public Aid Recipients (Repealed)
TABLE A	Determination Table for Client Participation (Repealed)
APPENDIX A	Standard Budget Allowances

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19127, effective November 9, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 13 Ill. Reg. 2866, effective February 17, 1989; amended at 14 Ill. Reg. 1466, effective January 8, 1990; amended at 14 Ill. Reg. 18555, effective November 5, 1990; amended at 15 Ill. Reg. 10179, effective June 24, 1991; amended at 15 Ill. Reg. 18750, effective December 17, 1991; amended at 17 Ill. Reg. 3895, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 11676, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20356, effective November 15, 1993; amended at 19 Ill. Reg. 8803, effective June 20, 1995; amended at 21 Ill. Reg. 4833, effective April 1, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. _____, effective _____.

Section 562.20 Definitions

For the purposes of this Part, the following terms shall have the following meanings:

- a) **CUSTOMER FINANCIAL ANALYSIS** (IL 488-0265) (Financial Analysis) - the form developed by DHS-ORS to determine customer financial participation.

- b) **Customer Financial Participation** - the amount of money, as determined

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by the completion of the Financial Analysis, which a customer and/or the customer's family must contribute to the cost of services and the amount of any voluntary contributions the customer and/or his/her family wish to contribute to the cost of services.

c) Dependent - a person under the age of 24 years; unless he or she does not reside in the parents' home and one of the conditions below exists:

- 1) is or has been married;
- 2) has legal dependents other than a spouse;
- 3) is a veteran of the Armed Forces of the United States; or
- 4) has not been claimed as a dependent on his/her parent's income tax return for at least two years and is in fact independent of parental support as documented by evidence that one of the conditions below exists:

- A) the person was adjudicated by a court to be emancipated; or
- B) the person has in fact lived independently (with the exception of post-secondary education) of parental support; or
- C) the person has been determined by a financial aid administrator to be independent in accordance with the Higher Education Act (20 USC 1087vv). Dependent---for-the

purpose-of-completing-the-Financial-Analysis--a-customer shall---be---considered---a-dependent---of---his/her---parents including-step-parents-and-adoptive-parents---if---he/she---is under--24-years-of-age--unless-he/she-does-not-reside-in-the parent-s-home-and-

- it is-or-has-been-married;
- 2) has-served-in-the-United-States-Armed-Forces;
- 3) has-been-adjudicated-by-a-court-to-be-emancipated;-or
- 4) has-legal-dependents-other-than-a-spouse-

d) Family - for the purpose of identifying those individuals who must be taken into consideration in the completion of the Financial Analysis, "family" shall include the customer and all of the following individuals:

- 1) the customer's spouse;
- 2) the customer's dependent children, including step-children, if they are dependent upon the customer;
- 3) parents, including non-custodial parents if the customer's parents are divorced and the custodial parent is not remarried and step-parents; and
- 4) the customer's siblings still residing in the same home as the customer and who are still dependent on the customer's parents.

e) Income - all earned and unearned income from all sources including all types of public support, wages, tips, interest income, dividends from investments, and private sources. The value of readily available assets (i.e., cash-on-hand, checking accounts, savings accounts, certificates of deposit, stocks, bonds, accessible trust funds) shall also be considered as income for the purpose of completion of the

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Financial Analysis.
f) Services - those services provided by and through DHS-ORS to customers of the Vocational Rehabilitation Program and as described at 89 Ill. Adm. Code 590 - Services.

g) Standard Budget Allowance (SBA) - the State Median Income Figures established by the Office of Community Programs of the United States Department of Health and Human Services which are published annually in the Federal Register.

h) Unusual Allowable Expenses - expenses directly related to the customer's disability, such as on-going medical treatment, medication, adaptive equipment, and rehabilitation technology services, which are currently being paid by the customer and/or customer's family which are not paid for through insurance or any other source and/or cost associated with another family member attending post-secondary education which are not paid by any other source.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 562.30 Financial Analysis Completion

a) A customer seeking services through DHS-ORS and his/her family must complete the Financial Analysis and must participate in the cost of services as indicated by the Financial Analysis. Failure on the part of the customer and/or customer's family to participate in the cost of vocational rehabilitation services, as indicated by the Financial Analysis, shall result in the denial of services from DHS-ORS, except for those which are exempt from financial participation and listed in subsection (b) below.

b) Customer financial participation shall be required for all services except the following:

- 1) evaluation of rehabilitation potential (however, VR services other than diagnostic services provided during extended evaluation require application of the financial analysis);
- 2) counseling, guidance, referral and placement provided-by--DHS-ORS (89 Ill. Adm. Code 590 - Subpart I);
- 3) fees for assessment and training (i.e., work adjustment, skills, employment) through any approved community rehabilitation program (89 Ill. Adm. Code 530);
- 4) the work/study student component of the summer program and the nine month hearing impaired pre-vocational program at Northern Illinois University;
- 5) services provided through the Secondary Transitional Experience Program (STEP) (89 Ill. Adm. Code - 590 Subpart L);
- 6) fees for on-the-job training (OJT);
- 7) job coaching services provided-through-the-supported-employment program-(89-ill--Adm-Code-590-i30(a)(2)(B));
- 8) instruction provided by Rehabilitation Instructors and Mobility

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Instructors in the area of:

- A) activities of daily living;
- B) communications skills;
- C) adjustment counseling;
- D) mobility instruction; and

9) interpreter, reader, attendant, and note taker services.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 562.APPENDIX A Standard Budget Allowances

The Standard Budget Allowances (SBAs) are as follows:

Family Size	Annual Allowance
1	\$28,793
2	\$37,353
3	\$46,512
4	\$55,372
5	\$64,232
6	\$73,091
7	\$74,752
8	\$78,075
9	\$79,736
10	\$81,393
11	\$83,058
12	\$84,719

For families with more than 12 members, \$1661 is added for each additional member over 12.

(Source: Added at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Accrediting Persons in the Practice of Medical Radiation Technology

- 2) Code Citation: 32 Ill. Adm. Code 401

- 3) Section Numbers: Proposed Action:

401.120 Amendment

401.130 Amendment

401.170 Amendment

- 4) Statutory Authority: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36].

- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to: (1) increase the initial application fee for persons who perform medical radiation procedures; (2) increase the application fees for persons who do not apply for, or meet, renewal requirements in a timely manner; (3) reduce civil penalties in cases where the threat to public health and safety were minimal and increase the penalties for persons performing medical radiation procedures without proper training and qualifications; and (4) allow the Department to deny an application for initial or renewal of accreditation under certain circumstances. The increased fees will offset a portion of the additional costs associated with the processing of applications submitted late or deficient in continuing education.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Louise Michaels

DEPARTMENT OF NUCLEAR SAFETY

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Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9880 (voice)
(217) 782-6133 (TDD)

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations affected: The Department believes that these amendments will impact small businesses, such as small radiation installations where unaccredited persons are allowed to administer radiation to humans in violation of the Radiation Protection Act of 1990.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendment begins on the next page:

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TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY

SUBCHAPTER b: RADIATION PROTECTION

PART 401

ACCREDITING PERSONS IN THE PRACTICE OF MEDICAL RADIATION TECHNOLOGY

Section	Policy and Scope
401.10	Definitions
401.20	Exemptions
401.30	Application for Accreditation
401.40	Categories of Accreditation
401.50	Examination Requirements
401.60	Acceptable Examinations
401.70	Approved Program
401.80	Practice Requirement - Initial Licensure (Repealed)
401.90	Initial Issuance of Accreditation
401.100	Duration of Accreditation
401.110	Suspension, and Revocation and Denial of Accreditation
401.120	Fees
401.130	Requirements for Renewal of Accreditation
401.140	Reciprocity
401.150	Additional Requirements for Radiographers Performing Mammography
401.160	Civil Penalties
401.170	Limited Diagnostic Radiography Procedures by Type of Limited Accreditation
APPENDIX A	Example Topics Directly Related to Radiologic Sciences
APPENDIX B	Minimum Training Requirements for Radiographers Performing Mammography
APPENDIX C	

AUTHORITY: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36].

SOURCE: Adopted at 7 Ill. Reg. 17318, effective January 1, 1984; emergency amendment at 8 Ill. Reg. 17584, effective September 12, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2499, effective February 13, 1985; amended at 10 Ill. Reg. 13259, effective July 28, 1986; amended at 10 Ill. Reg. 21086, effective January 1, 1987; amended at 11 Ill. Reg. 15623, effective September 11, 1987; emergency amendment at 11 Ill. Reg. 19797, effective November 24, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 7603, effective April 18, 1988; amended at 12 Ill. Reg. 18164, effective January 1, 1989; amended at 13 Ill. Reg. 15005, effective September 11, 1989; amended at 14 Ill. Reg. 15341, effective September 4, 1990; amended at 15 Ill. Reg. 7054, effective April 29, 1991; amended 16 Ill. Reg. 9115, effective June 2, 1992; amended at 20 Ill. Reg. 12595, effective September 6, 1996; amended at 21 Ill. Reg. 13587, effective September 25, 1997; amended at 22 Ill. Reg. _____, effective _____.

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Section 401.120 Suspension, and Revocation and Denial of Accreditation

- a) The Department may act to suspend or revoke an individual's accreditation, or refuse to issue or renew accreditation, for any one or a combination of the following causes:
- 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for initial accreditation or renewal of accreditation if such misstatement or misrepresentation would impair the Department's ability to assess and evaluate the applicant's qualifications for accreditation under this Part;
 - 2) Willfully evading the statute or regulations pertaining to accreditation, or willfully aiding another person in evading such statute or regulations pertaining to accreditation;
 - 3) Performing procedures under or representing as valid to any person either a certificate of accreditation not issued by the Department, or a certificate of accreditation containing on its face unauthorized alterations or changes that are inconsistent with Department records regarding the issuance of such certificate;
 - 4) Having been convicted of a crime which is a felony under the laws of this State or conviction of a felony in a federal court, unless such individual demonstrates to the Department that he/she has been sufficiently rehabilitated, by restoration of all civil rights, to warrant the public trust;
 - 5) Exhibiting significant or repeated incompetence in the performance of professional duties;
 - 6) Having a physical or mental illness or disability which results in the individual's inability to perform professional duties with reasonable judgment, skill and safety;
 - 7) Continuing to practice medical radiation technology when knowingly having a potentially serious disease, such as those listed in 77 Ill. Adm. Code 690.100, which could be transmitted to patients;
 - 8) Repeatedly using alcohol, narcotics or stimulants to such an extent as to impair the performance of professional duties;
 - 9) Having had a similar credential by another state or the District of Columbia suspended or revoked if the grounds for that suspension or revocation are the same or equivalent to one or more grounds for suspension or revocation as set forth herein;
 - 10) Failing to repay an educational loan guaranteed by the Illinois Student Assistance Commission as provided in 20 ILCS 2005/71;
 - 11) Failing to meet child support orders as provided in 5 ILCS 100/10-65;
 - 12) Failing to pay a civil penalty properly assessed by the Department.
- b) If, based upon any of the grounds in subsection (a) of this Section, the Department determines that action to suspend or revoke accreditation, or refusal to issue or renew accreditation, is

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warranted, the Department shall notify the individual and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200-60. An opportunity for a hearing shall be provided before the Department takes action to suspend or revoke an individual's accreditation unless the Department finds that an immediate suspension of accreditation is required to protect against immediate danger to the public health or safety (see 420 ILCS 40/38), in which case the Department shall suspend an individual's accreditation pending a hearing.

- c) If the Department finds that removal, or refusal to issue or renew ~~of~~ accreditation, is warranted, the usual action shall be a suspension or denial of accreditation for up to one year. The term of suspension or denial may be reduced by the Director, upon the recommendation of the hearing officer, if the hearing officer finds, based upon evidence presented to him/her at a hearing, that the conditions leading to the Preliminary Order for Suspension can be cured in less than one year. However, if the Department finds that the causes are of a serious or continuous nature, such as past actions which posed an immediate threat to public health or safety, deficiencies that cannot be cured within one year or frequent child support arrearages, the Department shall revoke the individual's accreditation or deny the application.
- d) When an individual's accreditation is suspended or revoked, the individual shall surrender his/her credential to the Department until the termination of the suspension period or until reissuance of the accreditation.

- e) An individual whose accreditation has been revoked may seek reinstatement of accreditation by filing a petition for reinstatement with the Department. Such petition may be filed one year or more after the beginning of the revocation period. The individual shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the accreditation should be reinstated due to rehabilitation or other just cause.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 401.130 Fees

- a) The fees for accreditation in all categories shall be non-refundable and shall be as follows:

- 1) Initial Accreditation - Active, Conditional, Temporary or Limited Status: \$60940-00 per application
- 2) Renewal of Accreditation - Active, Conditional, or Limited Status. Application filed and all qualifications, including continuing education met prior to expiration of previous accreditation: \$60940-00 per application
- 3) Renewal of Accreditation - Active, Conditional,

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or Limited Status. Application filed after the expiration of previous accreditation, closed files excepted, and all qualification, including continuing education, met prior to expiration of previous accreditation: \$75 per application

- 4) Renewal of Accreditation - Active, Conditional, or Limited Status. Application filed before or after the expiration of previous accreditation, but the applicant has not documented completion of the required continuing education resulting in issuance of interim Department authorization to perform medical radiation procedures for a period of up to 90 days pursuant to Section 401.140(a)(1) of this Part: \$90 per application
- b) Examination fee for Limited Diagnostic Radiography Accreditation shall be \$30-00.
- c) The appropriate fees are to accompany the application when filing with the Department. An application is filed on the date that it is received and stamped by the Department ~~or--on--the--date--that--it--is~~ postmarked by the United States Postal Service, whichever is earlier.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 401.170 Civil Penalties

- a) The Department shall assess civil penalties, in accordance with subsections (c) and (d) of this Section, against any person who performs, and against the operator of the radiation installation where a person performs, medical radiation procedures without valid accreditation, unless the person performing the medical radiation procedures is specifically exempt from the accreditation requirements as specified in Section 401.30 of this Part.

- b) Prior to assessing civil penalties, the Department shall confirm the violation of the accreditation requirements by:

- 1) Observation of the violation by a Departmental Inspector or nondepartmental inspector;
- 2) Obtaining records, documents, or other physical evidence;
- 3) Obtaining statements from either the employer, or the employee which confirm the existence of the violation; or
- 4) Obtaining statements from third parties, e.g., patients or co-workers, that corroborate the allegation that a violation has occurred.

- c) Civil Penalties shall be assessed against persons who perform medical radiation procedures without accreditation (i.e., unaccredited technologists) as follows:

- 1) First violation by an unaccredited technologist: ---\$250-
- A) Failure to apply for initial or renewal of

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accreditation by a technologist who is fully qualified for accreditation or renewal of accreditation, including continuing education requirements at the time the violation is discovered.

- i) In violation 30 days or less \$100
- ii) In violation 31 through 90 days \$150
- iii) In violation greater than 90 days \$250

B) Failure to apply for renewal of accreditation by a technologist who would be eligible for renewal of accreditation, but would not currently qualify due to insufficient continuing education at the time the violation is discovered.

- i) In violation 30 days or less \$150
- ii) In violation 31 through 90 days \$250
- iii) In violation greater than 90 days \$350

C) Performance of a medical radiation procedure requiring accreditation by a person who is not qualified for accreditation at the time the violation is discovered

2) Second violation by an unaccredited technologist shall be double the fine as assessed under subsection (c)(1)(A) or (c)(1)(B) of this Section. The penalty for second violations by an unaccredited technologist under subsection (c)(1)(C) of this Section shall be assessed by the Director in accordance with the provisions of 32 Ill. Adm. Code 310.81. ---\$500-

3) The penalty for the third and subsequent violations by an unaccredited technologist, under subsections (c)(1)(A), (c)(1)(B) and (c)(1)(C) of this Section, shall be assessed by the Director in accordance with the provisions of 32 Ill. Adm. Code 310.81. ---\$1700-

4) The penalty for any violation involving presentation of falsified accreditation certificates or any other documents used to meet accreditation qualifications shall be assessed by the Director in accordance with the provisions of 32 Ill. Adm. Code 310.81.

d) Civil Penalties shall be assessed against the operators of a radiation installation where a person performs medical radiation procedures without valid accreditation as follows:

- 1) First violation by an operator for violation by an unaccredited technologist as assessed under subsection (c)(1)(A) or (c)(1)(B) of this Section shall be double the fine assessed against the person performing radiography without accreditation. ---\$500-
- 2) Second and subsequent violations by an operator, within a 12 month period, for violation by an unaccredited technologist as assessed under subsection (c)(1)(A) or (c)(1)(B) of this Section shall not exceed \$10,000. The Director shall assess the amount of the penalty in accordance with the provisions of 32 Ill. Adm. Code 310.81. ---\$1700-

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3) Operators who are assessed civil penalties for violations by an unaccredited technologist under subsection (c)(1)(C) of this Section shall not exceed \$10,000. The Director shall assess the amount of the penalty in accordance with provisions of 32 Ill. Adm. Code 310.81.

e) The Department shall impose civil penalties by issuing a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200.60. Each day the violation continues shall constitute a separate offense.

f) Failure of an operator of a radiation installation to abate an accreditation violation or to pay a properly assessed civil penalty, shall cause the Department to issue an order prohibiting the use of any source of radiation at the installation until such time as the violation has been abated and all assessed civil penalties have been paid.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Proportionate Share Liability2) Code Citation: 35 Ill. Adm. Code 741

<u>Section Numbers:</u>	<u>Proposed Action:</u>
741.100	New
741.105	New
741.110	New
741.115	New
741.120	New
741.125	New
741.130	New
741.135	New
741.140	New
741.145	New
741.150	New
741.200	New
741.205	New
741.210	New
741.215	New
741.220	New
741.225	New
741.230	New
741.235	New
741.300	New
741.305	New
741.310	New
741.315	New
741.320	New
741.325	New
741.330	New
741.335	New

4) Statutory Authority: 415 ILCS 5/27 and 415 ILCS 5/58.9(d)

5) A Complete Description of the Subjects and Issues Involved: A more complete description of the proposed rules may be found in the Illinois Pollution Control Board's (Board) opinion and order of September 3, 1998, in R97-16. On December 21, 1995, Governor Jim Edgar signed into law House Bill 901 as Public Act 89-443, effective July 1, 1996. This amendatory legislation added a new liability section to Title XVII of the Environmental Protection Act (Act). This new liability section, Section 58.9, repealed joint and several liability in environmental actions and replaced it with proportionate share liability. The proposed rules establish the procedures for determining proportionate share. The major issues raised in this rulemaking concern the applicability of proportionate share liability, discovery to identify potentially liable parties, and the burden and standard of proof. Regarding applicability,

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the Board interpreted the proportionate share liability provisions in Section 58.9 as not being limited by any other provisions of the Act to the contrary. Thus, proportionate share liability applies to all actions seeking a response or recovery of costs for a response. The Board also adopted provisions allowing for the limited discovery of potentially liable parties prior to an action being filed. The applicability provisions and provisions on pre-complaint discovery are contained in Subpart A of the proposed rules, along with various definitions and other general information and procedures. Subpart B contains procedures for determining proportionate share where a complaint has been filed with the Board by the Illinois Environmental Protection Agency, the State of Illinois, or any person. Following the filing of a petition, the Board assigns a hearing officer to conduct discovery and hold a hearing. Based on the evidence presented at the hearing, the Board will issue an order allocating shares of liability. This Subpart also contains provisions that allow for the filing of stipulations allocating 100% of liability between the parties and agreed settlements assigning a certain percentage to a particular party. Subpart C contains procedures for potentially liable persons who are not the subject of a complaint and have agreed among themselves to allocate the entire cost of a response. Participants may initiate a Subpart C proceeding by filing a joint petition with the Board. The parties may elect to proceed to mediation or with the Board's allocation proceeding. If through mediation, the participants agree to a settlement, the participants can either file a motion to dismiss the allocation proceeding before the Board or file a stipulated settlement agreement with the Board. If no settlement is reached, the participants may notify the Board and proceed through the Board allocation proceeding. If the participants do not want to participate in mediation, the participants must file an agreed allocation with the Board and/or a proposal for hearing for resolution of any allocation issues. Following a hearing, the Board will issue an order allocating 100% of the costs of the response.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Policy Objectives: The proposed rules do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R97-16 and be sent to:

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Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Questions regarding this proposal may be directed to Cynthia Ervin at 217-524-8509.

Two hearings have also been scheduled during the first-notice period at which interested parties may attend and testify. Those hearings will be held on October 19 and 20, 1998, at 10:00 a.m. at the Illinois Pollution Control Board, 600 South Second Street, Room 403, Springfield, Illinois.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not for profit corporations affected: The proposed rules establish procedures for determining proportionate share. The proposed rules could impact any small business or corporation subject to enforcement for environmental response or cost recovery for the release or substantial threat of a release of a regulated substance at a site. Under the proposed rules, however, a small business or corporation can only be held liable for such entity's proportionate degree of responsibility for the release or substantial threat of a release of regulated substances.

B) Reporting, bookkeeping, or other procedures required for compliance: The proposed rules do not require persons to maintain additional records.

C) Types of professional skills necessary for compliance: The proposed rules require no professional skills beyond those currently necessary to comply with the Board's existing rules and regulations.

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Rule(s) begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD

PART 741

PROPORTIONATE SHARE LIABILITY

SUBPART A: GENERAL

Section	Purpose
741.100	Applicability
741.105	Definitions
741.110	Discovery Before an Action is Filed
741.115	Resolution of Issues in Section 58.9(b) Notice
741.120	Notice to Agency
741.125	Mandatory Disclosures and Discovery
741.130	Conduct of Hearings
741.135	Allocation Factors
741.140	Relief from Final Orders
741.145	Severability
741.150	

SUBPART B: ALLOCATION DETERMINATION WHEN A COMPLAINT
HAS BEEN FILED

Section	General
741.200	Initiation of Allocation Determination
741.205	Proportionate Share Liability as a Defense
741.210	Necessary Parties
741.215	Pleading
741.220	Proof of Liability
741.225	Settlements
741.230	Final Orders
741.235	

SUBPART C: VOLUNTARY ALLOCATION PROCEEDINGS

Section	General
741.300	Initiation of Voluntary Allocation Proceeding
741.305	Allocation Proposals and Hearing Requests
741.310	Settlements
741.315	Appointment of Mediator
741.320	Scheduling of Mediation and Mediation Conference
741.325	Settlement Through Mediation
741.330	Board Review and Final Orders
741.335	

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AUTHORITY: Implementing Section 58.9 and authorized by Section 58.9(d) of the Environmental Protection Act [415 ILCS 5/58.9]

SOURCE: Adopted in R97-16 at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 741.100 Purpose

The purpose of this Part is to define applicability and establish procedures under Section 58.9 of the Act for the allocation of proportionate shares of liability for the performance or cost of a response resulting from the release or substantial threat of a release of regulated substances.

Section 741.105 Applicability

- a) Subpart B applies whenever a complaint has been filed before the Board:
- 1) Requesting that the Board allocate proportionate shares of liability for a release or threatened release of a regulated substance; or
 - 2) To which proportionate share liability has been raised as an affirmative defense.
- b) Subpart C applies whenever a petition has been filed under Section 741.305 of this Part requesting the Board to require any person to conduct a response or to seek recovery of costs and where the participants agree to allocate among themselves the entire costs of remediation at a site.
- c) This Part is not applicable to any cost recovery action brought by the State under Section 22.2 of the Act to recover costs incurred by the State prior to July 1, 1996. (Section 58.9(f) of the Act)

Section 741.110 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part is the same as that applied to the same words or terms in the Environmental Protection Act [415 ILCS 5].

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Pollution Control Board.

"Person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a

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government corporation), partnership, association, state, municipality, commission, political subdivision of a state or any interstate body including the United States government and each department, agency, and instrumentality of the United States. (Section 58.2 of the Act)

"Regulated Substance" means any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) and petroleum products including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas. (Section 58.2 of the Act)

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and the normal application of fertilizer. (Section 3.33 of the Act)

"Remedial Action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a regulated substance into the environment, to prevent or minimize the release of regulated substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released regulated substances or contaminated materials, recycling or reuse, diversion destruction, segregation of reactive substances, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the Governor and Director determine that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment,

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destruction, or secure disposition offsite of regulated substances, or may otherwise be necessary to protect the public health or welfare. The term includes offsite transport of regulated substances, or the storage, treatment, destruction, or secure disposition offsite of such regulated substances, or the storage, treatment, destruction, or secure disposition offsite of such regulated substances or contaminated materials. Remedial action also includes activities associated with compliance with the provisions of Sections 58.6 and 58.7 of the Act, including, but not limited to, the conduct of site investigations, preparations of work plans and reports, removal or treatment of contaminants, construction and maintenance of engineered barriers, and/or implementation of institutional controls. (Sections 3.34 and 58.2 of the Act)

"Remove" or "Removal" means the cleanup or removal of released regulated substances from the environment, actions as may be necessary taken in the event of the threat of release of regulated substances into the environment, actions as may be necessary to monitor, assess, and evaluate the release or threat of release of regulated substances, the disposal of removed material, or the taking of other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare of the environment, that may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals, and any emergency assistance that may be provided under the Illinois Emergency Management Act or any other law. (Section 3.35 of the Act)

"Respond" or "Response" means remove, removal, remedy, and remedial action. (Section 3.40 of the Act)

"Site" means any single location, place, tract of land or parcel of property or portion thereof, including contiguous property separated by a public right-of-way. (Section 58.2 of the Act) This term also includes, but is not limited to, all buildings and improvements present at that location, place or tract of land.

Section 741.115 Discovery Before an Action is Filed

- a) Any person who wishes to engage in discovery before seeking an allocation of proportionate shares of liability and for the sole purpose of ascertaining the identity of a person who may be liable (at least in part) for a release or substantial threat of a release of regulated substances may file a petition for such discovery with the Board.
- b) The petition must be brought in the name of the petitioner and must name as respondents the person or persons from whom discovery is

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sought. The petition must include:

- 1) The name and address of the respondent(s);
 - 2) The reason the proposed discovery is necessary;
 - 3) The nature of the discovery sought;
 - 4) A statement, supported by affidavit(s), of the petitioner's basis for belief that there is a release or substantial threat of a release and that the respondent has or may have the information sought;
 - 5) The petitioner's proposed time for compliance with the order (not less than 30 days from the date of issuance of the order); and
 - 6) A request that the Board enter an order authorizing petitioner to obtain such discovery.
- c) A brief or memorandum and other supporting documents may be filed with the petition.
- d) The petition must be accompanied by an affidavit attesting that the petitioner could not obtain the information sought by any other reasonable means.
- e) The petitioner shall serve a notice of filing and a copy of the petition and any supporting documents upon the person(s) to whom the order is to be directed who shall be designated the respondent(s). The notice of filing must inform the respondent of the filing of the accompanying petition and of the respondent's opportunity to respond to the petition within 14 days after the date of service.
- f) Within 14 days from the date of service of the petition, the respondent may file a response to the petition supported by affidavit(s) as necessary. The respondent may file a brief or memorandum and other supporting documents with the response. If no response is filed, the respondent is deemed to have waived objection to the discovery sought.
- g) The petitioner may reply to the response within 7 days after the date of service of the response.
- h) Service and filing must be in accordance with 35 Ill. Adm. Code 101.Subpart C, except that initial service of the petition must be made personally, by registered or certified mail, or by messenger service.
- i) The Board will review the petition, affidavit(s), and any other supporting documents on file and grant or deny the petition. The order granting the petition will require the respondent to respond to authorized discovery, and will limit discovery to the identification of potentially liable persons. Where a deposition is authorized the order will specify the time and place of the deposition and the name and address of each person to be examined, if known, or, if unknown, information sufficient to identify each person. The order will specify a reasonable time for compliance and the method of compliance.
- j) If any respondent fails to comply with a discovery request authorized under this Section, the petitioner may seek penalties under Section 42 of the Act.
- k) Nothing in this Section limits the ability of any person to obtain

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information in any other lawful manner.

Section 741.120 Resolution of Issues in Section 58.9(b) Notice

- a) *In the event the State of Illinois seeks to require a person who may be liable pursuant to the Act to conduct a response for a release or threatened release of a regulated substance, the Agency shall provide notice to such person. (Section 58.9(b) of the Act) This notice may be combined with a notice under Section 4(q) of the Act.*
- b) The notice under subsection (a) of this Section must include:
 - 1) Identification of a basis for liability;
 - 2) Identification of the response to be performed; and
 - 3) The opportunity for the person to perform the identified response.
- c) At the time of notification pursuant to Section 58.9(b) of the Act or at any time subsequent thereto, the Agency may offer the person to whom the notice is sent an opportunity to meet with the Agency to resolve outstanding issues and to determine the costs of conducting the response that are attributable to the release or substantial threat of a release that such person or any other person caused or to which that person or any other person contributed.
- d) The meeting described in subsection (c) of this Section must be held within 30 days after receipt of written notification of the opportunity unless the Agency agrees to a postponement.
- e) In determining the proportionate share liability allocation, the allocation factors set forth in Section 741.140 of this Part may be considered.

Section 741.125 Notice to Agency

The person initiating a proceeding seeking allocation shall give notice to the Agency, and the Agency may participate in any proceeding seeking allocation of proportionate shares of liability.

Section 741.130 Mandatory Disclosures and Discovery

- a) Within time limits set by the Hearing Officer, all parties to a proceeding in which allocation is sought shall compile any and all documents within their possession or control pertaining to the release or threatened release and shall make the records available for review and copying by the parties.
- b) Discovery is governed by 35 Ill. Adm. Code 101 and 103, and all discovery devices identified in 35 Ill. Adm. Code 101 and 103 are available to all parties in a proceeding to allocate proportionate shares of liability. Sanctions for failure to comply with procedural rules, subpoenas, or order of the Board or Hearing Officer shall be as set forth therein and as otherwise available under the Act.
- c) Discovery pursuant to this Section is not applicable to mediation

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proceedings under this Part.

Section 741.135 Conduct of Hearings

- a) In any proceeding initiated under Subpart B or C of this Part, the Board will hold a hearing on allocation of proportionate shares of liability, unless the parties have stipulated to allocation of all shares of liability.
- b) Unless otherwise provided, hearings will be conducted pursuant to the procedures at 35 Ill. Adm. Code 101 and 103. Sanctions for failure to comply with procedural rules, subpoenas, or orders of the Board or Hearing Officer are as set forth therein and as otherwise available under the Act.
- c) All parties and the Agency may present evidence relevant to allocation of proportionate shares of liability at the hearing.
- d) If proportionate share liability is raised in an enforcement complaint or as an affirmative defense, the hearing on proportionate share liability may be combined with the hearing on the case in chief.

Section 741.140 Allocation Factors

In determining allocations under this Part, the Board may consider any or all factors related to the cause of, or contribution to, a release or substantial threat of a release of regulated substances on, in or under the site, including but not limited to:

- a) The volume of regulated substances for which each liable person is responsible;
- b) Consistent with the provisions of 35 Ill. Adm. Code 742 and the remediation of the site in a manner consistent with its current and reasonably foreseeable future use, the degree of risk or hazard posed by the regulated substances contributed by each liable person;
- c) The degree of each liable person's involvement in any activity that caused or contributed to the release of regulated substances at the site; and
- d) Any other factors relevant to a liable person's proportionate share of liability.

Section 741.145 Relief from Final Orders

- a) On written motion by any person participating in an allocation proceeding, the Board may provide relief from a final order entered in an allocation proceeding for any of the following reasons:
 - 1) Newly discovered evidence that existed at the time of hearing and that by due diligence could not have been timely discovered;
 - 2) Fraud (whether intrinsic or extrinsic), misrepresentation, or other misconduct of a party; or
 - 3) Void order, such as an order based on jurisdictional defects.
- b) Relief under subsection (a) may include reallocation of liability.

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- c) The Board may decline to reopen an allocation determination if the motion and any supporting materials do not demonstrate that the reopening would result in significant changes in shares of liability.
- d) A motion under this Section does not affect the finality of a Board order or suspend the operation of a Board order. The motion must be filed in the same proceeding in which the order was entered but is not a continuation of that proceeding. The motion must be supported by affidavit or other appropriate showing as to matters not of record. The movant shall notify all parties or participants in the proceeding as provided by 35 Ill. Adm. Code 101.141(a).
- e) A motion under subsection (a) must be filed with the Board within one year after entry of the order, except that where remediation of a site has begun before expiration of this one-year period, a motion under subsection (a) must be filed with the Board within three years after entry of the order. Upon written motion, the Board may extend either of these periods for cause shown.
- f) Any response to a motion under this Section must be filed within 30 days after the filing of the motion.

Section 741.150 Severability

If any Section, subsection, sentence or clause of this Part is judged invalid, such adjudication does not affect the validity of this Part as a whole or any Section, subsection, sentence or clause thereof not judged invalid.

SUBPART B: ALLOCATION DETERMINATION WHEN A COMPLAINT
HAS BEEN FILED

Section 741.200 General

This Subpart sets forth the requirements for asserting proportionate share liability either in a complaint or as an affirmative defense to an enforcement complaint and sets forth provisions concerning necessary parties, pleading requirements, and procedures for the filing of stipulations and settlements.

Section 741.205 Initiation of Allocation Determination

A complaint filed by the Agency, the State of Illinois, or any person to initiate an enforcement action may include a request for allocation of proportionate shares of liability.

Section 741.210 Proportionate Share Liability as a Defense

- a) When a complaint seeks to compel a response or recover costs of a response, it is an affirmative defense that the complaint seeks remediation or recovery of costs of a response beyond that which may be attributed to being proximately caused by the respondent's act or omission or beyond such person's proportionate degree of

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responsibility for costs of the response of releases of regulated substances that were proximately caused or contributed to by 2 or more persons. (Section 58.1(a)(1) of the Act)

b) A respondent asserting the affirmative defense of proportionate share liability must allege facts establishing that two or more persons caused or contributed to a release of regulated substances.

c) Assertion of proportionate share liability as an affirmative defense does not initiate an allocation determination.

Section 741.215 Necessary Parties

All known parties that may have proximately caused or contributed to a release or threatened release subject to this Part, and that can be located through a diligent search, must be made parties to any action seeking allocation of proportionate shares of liability.

Section 741.220 Pleading

- a) A complaint seeking an allocation of proportionate shares of liability, or a defense raising proportionate share liability, must allege facts establishing that two or more persons caused or contributed to a release of regulated substances from a site.
- b) It is not necessary to plead a specific alleged percentage of liability of any party in order to initiate a determination of proportionate shares of liability.
- c) If a respondent asserts proportionate share liability as a defense, a complainant may, within 30 days after service of the pleading raising the defense, amend the complaint to add a request for allocation of proportionate shares of liability. If the complaint is so amended, the complainant must add any additional parties required under Section 741.215 of this Part as respondents.

Section 741.225 Proof of Liability

The petitioner must prove by a preponderance of the evidence that the respondent caused or contributed to the release or substantial threat of a release in one or more of the following ways:

- a) By act or omission that is a proximate cause of a release or a substantial threat of a release of regulated substances.
- b) By act or omission that has aggravated or failed to mitigate a release or substantial threat of a release of regulated substances such that an additional response is necessary or additional costs of a response have been incurred.

Section 741.230 Settlements

- a) At any time, all parties may agree to assign a certain percentage of liability to a particular party. Parties agreeing to such a

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settlement agree to assume any liability beyond the agreed percentage allocated to that party in a final Board order.

b) At any time, any number of parties may stipulate to entry of an order allocating 100 percent of liability for the payment of costs or performance of a response.

Section 741.235 Final Orders

- a) Based on the evidence presented at hearing or a stipulation, the Board will enter a final order determining liability and allocating shares of liability for the payment of costs or performance of a response for each party.
- b) If any party fails to comply with the Board's order, any party may seek penalties under Section 42 of the Act. Penalties may be imposed under Section 42 of the Act if the party fails to comply with a Board order.

SUBPART C: VOLUNTARY ALLOCATION PROCEEDINGS

Section 741.300 General

This Subpart sets forth the circumstances under which an allocation proceeding may be initiated by participants who agree to allocate the entire costs of a response among themselves and when no complaint has been filed with the Board. This Subpart also provides procedures for mediation and settlements and the requirements and standards to be used by the Board in issuing final orders allocating proportionate shares of liability.

Section 741.305 Initiation of Voluntary Allocation Proceeding

- a) Participants agreeing to accept 100 percent of liability for a release and stipulating to specific shares of liability may initiate a voluntary allocation proceeding by filing a petition with the Board.
- b) Participants agreeing to accept 100 percent of liability for a release but not stipulating to specific shares of liability, or stipulating to less than all shares, may initiate a voluntary allocation proceeding by filing a petition with the Board if:
- 1) There is an Agency-approved Remedial Action Plan for the site under 35 Ill. Adm. Code 740; or
 - 2) There is a written agreement with the Agency with regard to the performance of a remedial action at the site following the issuance of a notice under Section 4(q) or Section 58.9(b) of the Act.
- c) The petition under subsections (a) and (b) of this Section shall include the following information, at a minimum:
- 1) The location and identity of the site for which an allocation of proportionate shares of liability is requested;
 - 2) The identity of all participants;

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- 3) The stipulated shares of specific participants, if any;
- 4) Certification that the participants have agreed to allocate among themselves the entire cost of the response as provided in the Remedial Action Plan or written agreement with the Agency; and
- 5) A statement that the participants choose to engage in mediation under Sections 741.320 through 741.330 of this Subpart or to proceed with the Board's allocation procedure under Sections 741.310 through 741.315 of this Subpart.
- d) Upon determination that the petition contains the required information, the Board shall issue an order accepting the petition and assigning a Hearing Officer.
- e) The nature of any response agreed to as part of a Remedial Action Plan or written agreement with the Agency cannot be contested during the allocation proceeding.
- f) If a proceeding is initiated by the Agency, the State, or any person under Subpart B of this Part against participants to a proceeding under this Subpart C involving the same release or threat of a release, the Board may, upon motion by any participants or at its discretion, stay the Subpart C proceeding pending the outcome of the Subpart B proceeding.

Section 741.310 Allocation Proposals and Hearing Requests

- a) Within 60 days following the close of discovery, the participants shall submit a joint proposal to the Board that must include either or both of the following, as applicable:
- 1) An agreed allocation of the shares of responsibility for any or all of the participants;
 - 2) A proposal for hearing on all allocations for which the participants have not reached an agreed allocation.
- b) If agreed allocations are reached for all participants, the allocated shares must total 100 percent of the costs of the response to be implemented under the Remedial Action Plan or written agreement with the Agency.
- c) If a hearing is requested as part of the joint proposal, the Hearing Officer will issue an order for the scheduling and conduct of the hearing and any other matters deemed necessary. The order must include a requirement that, at least 30 days prior to the date of hearing, the participants shall submit pre-hearing memoranda setting forth the share for which they accept responsibility and the issues to be resolved at the hearing.

Section 741.315 Settlements

Nothing shall prohibit the participants from reaching agreed allocations among themselves at any time if the agreed allocations result in 100 percent allocation of the costs of the response to be implemented under the Remedial Action Plan or written agreement with the Agency, including any agreed

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allocations arising out of Section 741.310(a)(1) of this Part. Joint proposals shall be submitted to the Board for review under Section 741.335 of this Part.

Section 741.320 Appointment of Mediator

- a) If the participants have stated in the joint petition that they wish to choose mediation, the participants may file a joint notice with the Board:

 - 1) Designating a mediator selected mutually by the participants; or
 - 2) Requesting a list of qualified mediators maintained by the Board.

- b) If the parties cannot agree upon a mediator within 14 days after the order accepting the case or 14 days after receipt of the Board's list of mediators, the parties shall so notify the Board within 7 days after the expiration of that period, and the Board will appoint a mediator from the Board's list.
- c) The mediator must be compensated by the parties, and each party shall pay a pro rata share of the total costs of the mediator.
- d) While mediation is proceeding, the time periods for allocation proposal and hearing requests set forth in Section 741.310 of this Subpart are suspended.

Section 741.325 Scheduling of Mediation and Mediation Conference

- a) The first mediation conference must be held within 30 days after the order appointing a mediator or within 30 days after the filing of the joint stipulation.
- b) At least 10 days before the conference, the participants shall jointly present to the mediator any stipulations of facts or issues that have been agreed to and shall individually present to the mediator a confidential written summary of the case and statement of issues. The summary of the case should include the facts of the release, opinions on liability, statements on costs incurred or to be incurred, estimated costs of remediation, and any other relevant information.
- c) Within 10 days after the order appointing the mediator or the filing of the joint stipulation, the mediator shall notify the participants in writing of the location, date and time of the mediation conference. The mediator shall at all times be in control of the mediation process and the procedures to be followed in the mediation, and may extend the time periods contained in subsections (a), (b), and (c) above with the agreement of the participants.
- e) The mediator may meet and consult privately with either participant and his/her representative during the mediation process.
- f) All oral or written communications in a mediation conference, other than the executed settlement agreement, are inadmissible as evidence unless all participants agree otherwise. Evidence with respect to alleged agreements shall be admissible in proceedings to enforce the settlement. Subject to the foregoing, the mediator may not disclose any information obtained during the mediation process, unless

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- g) authorized by the participants.
- h) Discovery and discovery schedules will be at the discretion of the mediator.
- i) If a participant fails to appear at a duly noticed mediation conference without good cause, the Board upon motion will impose sanctions against the participant failing to appear.
- j) Mediation must be completed within 60 days after the first mediation conference unless extended by agreement of the participant.

Section 741.330 Settlement Through Mediation

- a) If an agreement is reached, it must be reduced to writing and signed by the participants and their counsel, if any. Within 14 days after the agreement, the participants shall file a joint motion to dismiss the Board action or a motion to accept the stipulated settlement agreement.
- b) If the participants do not reach an agreement, the participants shall report the lack of an agreement to the Board and file either:
 - 1) a joint motion to dismiss the Board action, or
 - 2) a joint motion to initiate the Board allocation proceeding under Sections 741.310 through 741.315 of this Subpart.
- c) At any time, the participants may jointly file a motion to cease the mediation and begin the Board's allocation proceedings under Sections 741.310 through 741.315 of this Subpart.

Section 741.335 Board Review and Final Orders

- a) Based on the evidence presented at hearing or in a stipulation, the Board will enter a final order allocating proportionate shares of liability for the payment of costs or performance of a response for each participant.
- b) The Board's final order will allocate 100 percent of the costs of the response action to be implemented under the Remedial Action Plan or written agreement with the Agency. If the total of the agreed allocations under Section 741.310(a)(1) of this Part and the allocation of shares of responsibility demonstrated during the hearing process by the remaining participants do not equal 100 percent of the costs of the response action to be implemented under the Remedial Action Plan or written agreement with the Agency, the Board's order must apportion the remaining liability among the participants in the same ratio as the shares that have been agreed upon or demonstrated for each participant during the hearing.
- c) Penalties may be imposed under Section 42 of the Act if a party fails to comply with a Board order.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Proposed Action:
120.381 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments affect the Department's asset exemption policies concerning determinations of medical eligibility under AABD MANG. The most substantive changes are intended to promote the saving of assets for the purpose of covering funeral and burial expenses by allowing such assets to remain exempt from consideration regarding medical eligibility. According to these changes, funds can be specifically and irrevocably set aside for the professional funeral services and burial expenses of the individual and his or her spouse, subject to a limit of \$4,000 each, including prepaid funeral and burial plans. This \$4,000 limit will be increased annually by three percent.

Other changes are being made to Section 120.381 to fully identify those assets that are exempt from consideration in determinations of medical eligibility under AABD MANG. Currently, Section 120.381(b) contains a cross-reference to 89 Ill. Adm. Code 113.141 concerning asset exemptions. However, incorporating the exemption provisions by reference has become problematic for the Department since 89 Ill. Adm. Code 113.141 was recodified to the Department of Human Services in July 1997. Therefore, these proposed amendments are necessary to clearly identify asset exemption policies in the Department's AABD MANG program.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
120.10	Amendment	July 17, 1998 (22 Ill. Reg. 12476)
120.30	Amendment	July 17, 1998 (22 Ill. Reg. 12476)
120.60	Amendment	July 17, 1998 (22 Ill. Reg. 12476)
120.314	Amendment	July 17, 1998 (22 Ill. Reg. 12476)
120.380	Amendment	July 17, 1998 (22 Ill. Reg. 12476)
120.381	Repeal	July 17, 1998 (22 Ill. Reg. 12476)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 120.382 Amendment July 17, 1998 (22 Ill. Reg. 12476)
- 120.383 Amendment July 17, 1998 (22 Ill. Reg. 12476)
- 120.384 Amendment July 17, 1998 (22 Ill. Reg. 12476)
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Ave., E., 3rd Floor
Springfield, Illinois 62763
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1998

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments is identical to the text of the
Emergency Amendments which appears in this issue of the Register on page
16640.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Illinois Prepaid Tuition Program

2) Code Citation: 23 Ill. Adm. Code 2775

3) <u>Section Number:</u>	<u>Proposed Action:</u>
2775.10	New Section
2775.20	New Section
2775.30	New Section
2775.40	New Section
2775.50	New Section
2775.60	New Section
2775.70	New Section

4) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) A Complete Description of the Subjects and Issues Involved: These proposed rules govern the administration of the new Illinois Prepaid Tuition Program. The rulemaking sets forth the participant eligibility requirements, program procedures, and numerous specific attributes of the prepaid tuition contracts to be issued under this program.

6) Will these proposed rules replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

(847) 948-8500

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent regulatory agendas because: Legislative action on the appropriations necessary to administer this program was late. As a result, the agency did not have sufficient time to complete all of the actions needed to permit it to include this rulemaking in the regulatory agenda filing.

The full text of the Proposed Rules is identical to the text of the Emergency Rules published in this issue of the Illinois Register on page 16652.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Municipal Electric Tax Rates
- 2) Code Citation: 83 Ill. Adm. Code 418
- 3) Section Numbers:
418.10 New Section
418.15 New Section
418.20 New Section
418.100 New Section
418.110 New Section
418.120 New Section
418.140 New Section
418.200 New Section
418.210 New Section
- Adopted Action:
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
- 4) Statutory Authority: Implementing Section 8-11-2 of the Illinois Municipal Code [65 ILCS 5/8-11-2] and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].
- 5) Effective Date of Rules: September 4, 1998.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 24, 1998, at 22 Ill. Reg. 7083
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rules replace emergency rules currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules:

Section 8-11-2 of the Illinois Municipal Code (Code) [65 ILCS 5/8-11-2] has been amended by Public Act 90-561. The amendment took effect August 1, 1998, and, over the period from August 1, 1998 to the end of 2000, changes

ILLINOIS COMMERCE COMMISSION

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the municipal tax on electric utility gross receipts to a tax on end users imposed on the basis of kilowatt-hours of electricity used or consumed within the municipality. The purpose of this Part is to establish rules governing requests for Commission promulgation of alternative maximum municipal electric tax rates under Section 8-11-2 of the Code, and to clarify the obligations of electric utilities with respect to the amendments to that Section of the Code. The Commission seeks to provide municipalities with a method of designing tax rates that will match the tax revenues that could have been derived from classes of customers, defined on the basis of the usage categories set forth in Section 8-11-2 of the Code, as amended, under the percentage of purchase price tax in place in 1997. Mindful of the substantial variation in the customer profiles of the municipalities that impose an electricity tax, the Commission also allows the consideration of alternative rates that are consistent with Section 8-11-2 of the Code and that address local conditions.

- 16) Information and questions regarding these adopted rules shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield IL 62794-9280
(217)785-3922

The full text of the Adopted Rules begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 418

MUNICIPAL ELECTRIC TAX RATES

SUBPART A: GENERAL

Section	Purpose
418.10	Purpose
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SUBPART C: UTILITY REQUIREMENTS

Section	Assistance to Municipalities and Retention of Information
418.200	Tariff Filings

AUTHORITY: Implementing Section 8-11-2 of the Illinois Municipal Code [65 ILCS 5/8-11-2], and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].

SOURCE: Emergency rules adopted at 22 Ill. Reg. 7304, effective April 10, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 16446, effective SEP 04 1998.

SUBPART A: GENERAL

Section 418.10 Purpose

Section 8-11-2 of the Illinois Municipal Code (Code) [65 ILCS 5/8-11-2] has been amended by Public Act 90-561. The amendment takes effect August 1, 1998 and, over the period from August 1, 1998 to the end of 2000, changes the municipal tax on electric utility gross receipts to a tax on end-users imposed on the basis of kilowatt-hours of electricity used or consumed within the municipality. The purpose of this Part is to establish rules governing requests for Illinois Commerce Commission (Commission) promulgation of alternative

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maximum municipal electric tax rates under Section 8-11-2 of the Code, and to clarify the obligations of electric utilities with respect to the amendments to that Section of the Code. The Commission seeks to provide municipalities with a method of designing tax rates that will match the tax revenues that could have been derived from classes of customers, defined on the basis of the usage categories set forth in Section 8-11-2 of the Code, under the percentage of purchase price tax in place in 1997. Mindful of the substantial variation in the customer profiles of the municipalities that impose an electricity tax, the Commission also wishes to allow for the consideration of alternative rates that are consistent with Section 8-11-2 of the Code and that address local conditions.

Section 418.15 Partial Suspension of 83 Ill. Adm. Code 200

Given the potential for numerous requests pursuant to this Part, the need to provide tax rates for municipal use as expeditiously as possible, and the 90-day deadline for Commission action set forth in Section 8-11-2 of the Code, the Commission hereby determines that good cause exists for the suspension of its Rules of Practice (83 Ill. Adm. Code 200) for purposes of considering municipal requests filed under Section 8-11-2 of the Code, except as specifically made applicable by this Part.

Section 418.20 Definitions

"Bill distribution" means a calculation, based on bills issued for 1997, that provides the total kilowatt-hours of electric energy distributed, supplied, furnished or sold for use or consumption within the corporate limits of a municipality, and not for resale, by an electric utility for the year of 1997. Such total kilowatt-hours shall be set forth by the class selected, and distributed within each of the 10 categories set forth in Section 8-11-2(3) of the Code (see Public Act 90-561), as those kilowatt-hours were billed to the customers during each month or billing cycle of the year.

"Bill frequency" means a calculation, based on bills issued for 1997, that provides the total kilowatt-hours of electric energy distributed, supplied, furnished or sold for use or consumption within the corporate limits of a municipality, and not for resale, by an electric utility for the year of 1997. Such total kilowatt-hours shall be set forth in terms of actual usage within each of the 10 categories set forth in Section 8-11-2(3) of the Code (see Public Act 90-561), as those kilowatt-hours were billed to the customers during each month or billing cycle of the year.

"Declining block tax rate" means a set of rates for the 10 usage categories established in Section 8-11-2(3) of the Code in which the rate for the first 2,000 kilowatt-hours used or consumed within a month is the highest rate, and the rate for each other category is

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greater than zero but less than the rate for the category immediately preceding it.

"Electric utility" means an individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, municipal corporation or political subdivision of the State of Illinois, or a receiver, trustee, guardian or other representative appointed by order of any court, that was, during calendar 1997, engaged in the business of distributing, supplying, furnishing, or selling electricity for use or consumption within the corporate limits of the municipality, and not for resale.

"Gross receipts" has the same meaning as that set forth in Section 8-11-2 of the Code immediately prior to December 16, 1997, the effective date of Public Act 90-561.

SUBPART B: PROCEDURAL REQUIREMENTS

Section 418.100 Requirements Applicable to All Requests for Promulgation of Rates

- a) All requests for the promulgation of alternate rates under Section 8-11-2 of the Code shall be submitted to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62706. For purposes of the deadline specified in Section 8-11-2 of the Code, receipt of the request shall be deemed to have occurred when the request arrives in the Chief Clerk's Springfield office. Upon request and submission of a copy for return, along with a postage prepaid self-addressed envelope, a date-stamped copy will be returned to the requesting municipality.
- b) All requests shall include the following documents and information:
 - 1) A copy of the ordinance, resolution, or minutes of a meeting of the corporate authorities, reflecting a vote specifically authorizing the request;
 - 2) For calendar 1997, the municipality's tax revenues under Section 8-11-2(3) of the Code as in effect during 1997, as billed at the tax rate in effect during 1997 by the electric utility providing service within the corporate limits of the municipality (or, if the tax rate changed during 1997, calculated as though the rate in effect on December 31, 1997 had been in effect for the entire year), which amount shall not include the additional 3% charge permitted by Section 9-221 of the Public Utilities Act [220 ILCS 5/9-221];
 - 3) A statement of the method of calculation requested by the municipality, which shall be one of the methods described in Section 418.110 or 418.120, as well as the information required by the Section the municipality chooses;

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- 4) The name, address, telephone number, and facsimile telephone number of the person to be contacted under Section 418.130, both for the requesting municipality and for the relevant electric utility;
- 5) If the municipality intends to apply tax rates that recover an amount at a percentage equivalent different from the actual percentage tax rate in effect on December 31, 1997, the desired percentage tax rate equivalent; and
- 6) A bill frequency for the residential customer class, defined by reference to Account 440 of the Uniform System of Accounts for Electric Utilities (83 Ill. Adm. Code 415), and a bill frequency for a class consisting of all other customers.
- c) All requests shall be verified and all data used in the calculations required by this Part shall be supported by affidavit or other form of verification establishing that the information was derived from records the municipality received from the electric utility providing service within its corporate limits.
- d) A municipality, electric utility, or customer may request confidential treatment for information filed with the Commission pursuant to this Part. The information shall be maintained on a confidential basis unless a request is challenged and the challenge is upheld by the Commission.

Section 418.110 Ten Consumption Block Method

A municipality seeking rates set under this method shall supply the following information with its filing:

- a) A bill frequency showing the usage or consumption of electricity within the corporate limits of the municipality within each of the 10 categories set forth in Section 8-11-2(3) of the Code billed during 1997;
- b) Tax revenues for 1997, either as billed or as estimated, in accordance with the following:
 - 1) The greater of total tax revenue billed for 1997 or the tax revenue that could have been billed at the tax rate in effect on December 31, 1997, allocated among each of 10 classes of purchasers established by reference to the usage categories set forth in Section 8-11-2(3) of the Code; or
 - 2) For a municipality that did not have an electric tax in effect on December 31, 1997, estimated tax revenues based upon the 1997 gross receipts billed within the municipality multiplied by the tax rate requested under Section 418.100(b)(5), not to exceed 5%, allocated among each of 10 classes of purchasers established by reference to the usage categories set forth in Section 8-11-2(3) of the Code;
- c) A declining block tax rate for each of the 10 categories that reflects, as closely as reasonably practical for the municipality, the distribution of the tax among the 10 classes of purchasers, based on

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- 1997 usage or consumption, as if the tax were based on a uniform percentage of the purchase price of electricity, making adjustments as necessary to provide a rate for all kilowatt-hour categories and to maintain the declining block structure; and
- d) Brief documentary or narrative support for the recommended tax rates, which shall include a bill distribution for the method used if different from subsection (a).

Section 418.120 Other Method

A municipality seeking Commission promulgation of rates other than in accordance with Section 418.110 shall include with its request a bill frequency calculated on the basis of the classes of purchasers reflected in the requested rates, and all other information necessary to show the derivation of the requested tax rates, along with testimony and exhibits establishing that the requested rates reflect, as closely as reasonably practical for the municipality, the distribution of the tax among classes of purchasers as if the tax were based on a uniform percentage of the purchase price of electricity. As required by Section 8-11-2(3) of the Code, the requested rates shall be stated on the basis of the kilowatt-hour categories set forth in that Section. The testimony and exhibits may include a demonstration of the impacts of the rates on customer classes and individual customers within the municipality as compared to impacts of the rates calculated under different methods.

Section 418.130 Procedures for Promulgating Rates

- a) If a rate request is based on Section 418.110, the Commission staff shall review the filing to determine whether it complies with Sections 418.100 and 418.110. Within 30 days after the Chief Clerk receives a rate request, the staff shall make a determination as follows:
 - 1) If the staff determines that the filing complies with the applicable Sections of this Part, it shall so inform the Commission in a Staff Report filed with the Chief Clerk and served upon the municipality and the electric utility from which the municipality received the information upon which the request is based. The Hearing Examiner shall present an order for Commission action promulgating the rates requested by the municipality as soon as is practicable.
 - 2) If the staff determines that the filing does not comply with the applicable Sections of this Part, it shall provide written notification to the municipality and the electric utility from which the municipality received the information upon which the request is based of each reason for its determination and shall file a copy of the notification with the Chief Clerk. The notification shall include, if practicable, rate corrections necessary to bring the request into compliance with the applicable Sections. The municipality shall have the option of correcting its filing, withdrawing its filing (in which case it

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may submit another request), or requesting a hearing on the merits of its request under subsection (b). If a corrected filing is made, the Commission staff shall act on the corrected request within 30 days in the manner provided by this subsection.

b) If the request is based upon Section 418.120, or if the municipality so requests under subsection (a)(2), the Hearing Examiner shall set the matter for a prehearing conference pursuant to the Commission's Rules of Practice (83 Ill. Adm. Code 200). Once notice of the prehearing conference is issued, the Rules of Practice shall apply to the proceeding.

c) At any time during the pendency of the request, on motion of any party or on the Commission's own motion, the Commission may enter an interim order that promulgates rates on an interim basis and reserves outstanding issues for resolution in further proceedings.

Section 418.140 Subsequent Tax Rate Adjustments

A municipality may, without requesting further action by the Commission, adjust the rates promulgated by the Commission under this Part by multiplying the cents per kilowatt-hour rate for each of the 10 usage categories by a fraction equal to (the desired new equivalent percentage tax rate) divided by (the equivalent percentage tax rate at which the Commission promulgated rates), provided that the new equivalent tax rate does not exceed 5%. For example, if the Commission has promulgated a municipality's kilowatt-hour (kWh) tax rates at the equivalent of a 2% gross receipts tax, and at a later date the municipality decides to increase the tax to the equivalent of a 4% gross receipts tax, each of the 10 category tax rates that were determined assuming a 2% rate can be multiplied by 2 (4% divided by 2%) to derive the 10 category tax rates assuming a 4% gross receipt tax. If the municipality wishes to spread the change in taxes over the 10 categories using a different approach, however, the municipality will be required to file the requested changed tax rates with the Commission, in accordance with Section 418.120.

SUBPART C: UTILITY REQUIREMENTS

Section 418.200 Assistance to Municipalities and Retention of Information

Each electric utility subject to the jurisdiction of the Commission shall provide all reasonable assistance requested by a municipality in order to comply with Section 8-11-2 of the Code. In addition to the requirements of 83 Ill. Adm. Code 420, each electric utility shall maintain, through the end of 2007, for every municipality within its service area irrespective of whether the municipality imposes a municipal electric tax, all information required to be filed by a municipality under Sections 418.100 and 418.110.

Section 418.210 Tariff Filings

Pursuant to Section 9-201 of the Public Utilities Act, if the Commission

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determines that good cause exists for the filing, by any electric utility that is also a "public utility" as defined in Section 3-105 of the Public Utilities Act, of tariff sheets that set forth the rates of taxes on the use or consumption of electricity it is required by Section 8-11-2 of the Illinois Municipal Code (see Public Act 90-561), to collect from those subject to the tax. Such tariff sheets shall also include, as factored into each of the charges established pursuant to the ordinance, the percentage amount added to the gross charge to reimburse the electric utility for expenses incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request, as authorized by Section 8-11-2 of the Code. Special permission is hereby granted for the filing of tariff sheets that comply with this Section, provided that such tariff sheets are accompanied by a certified copy of the municipal ordinance imposing the tax.

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- 1) Heading of the Part: Charter Schools
- 2) Code Citation: 23 Ill. Adm. Code 650
- 3) Section Number: Adopted Action:
650.30 Amendment
650.40 Amendment
650.60 Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 27A.
- 5) Effective Date of Rules: September 3, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 3, 1998; 22 Ill. Reg. 6005.
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Enactment of P.A. 90-548 in December of 1997 established a new role for the State Board of Education with regard to charter schools. The State Board has been authorized to consider appeals of local boards' denials and to determine whether a particular school should be chartered, based on whether it would be in the best interests of the students it is designed to serve. If the State Board determines that it wishes to override the local board's denial, it assumes the role of chartering entity and all the functions that would otherwise be performed by the local board, including providing funds to the school.

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These changes require amendments to Part 650 so that the agency will be in a position to give appropriate consideration to the appeals it receives. Specifically:

Section 650.30 has been amended to secure the resolution of denial adopted by a local board, thereby ensuring that the State Board will be informed as to the board's rationale for rejecting a proposal.

Section 650.40 is being changed to remove the limitation on the scope of the agency's review, as well as to provide the time that will be needed for in-depth consideration of a proposal's merits.

Section 650.60 also needs to conform to the broader role of the agency under the new law and provide explicitly for direct access to such additional information as may be needed. In addition, material has been added to afford the parties to an appeal the opportunity to make oral presentations, as well as to describe the process for the agency's eventual disposition of appeals.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. Hernandez, Chief Legal Advisor
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
217/782-2223

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER O: MISCELLANEOUS

PART 650

CHARTER SCHOOLS

Section	
650.10	Definitions
650.20	Purpose
650.30	Submission to State Board of Education
650.40	Review of Local Approvals by State Board
650.50	Revision and Renewal of Charters
650.60	Appeal of Local School Board Decisions Reports

AUTHORITY: Implementing and authorized by Article 27A of the School Code [105 ILCS 5/Art. 27A] (see P.A. 90-548, effective January 1, 1998).

SOURCE: Emergency rules adopted at 20 Ill. Reg. 6329, effective April 23, 1996, for a maximum of 150 days; emergency expired September 19, 1996; emergency amendment at 20 Ill. Reg. 8677, effective June 25, 1996, for a maximum of 150 days; new part adopted at 20 Ill. Reg. 15284, effective November 15, 1996; emergency amendment at 22 Ill. Reg. 1479, effective January 1, 1998, for a maximum of 150 days; emergency expired May 30, 1998; emergency amendment at 22 Ill. Reg. 5104, effective February 27, 1998, for a maximum of 150 days; emergency expired July 26, 1998; amended at 22 Ill. Reg. 16455, effective SEP 03 1998.

Section 650.30 Submission to State Board of Education

Local board(s) of education shall report to the State Board of Education as to the action by the local board(s) of education with regard to an application for, revision of, renewal of, or revocation of a charter. A copy of the report shall be provided to the applicant or charter holder at the same time that the report is submitted to the State Board of Education. The report shall include a notice to the applicant or charter holder informing the applicant to the effect that a denial, revocation or non-renewal of a charter school application or revision may be appealed to the State Board of Education within 14 days after the postmark date that the report is submitted to the State Board of Education. Reports shall be submitted as follows:

- a) Reports of approved applications, revisions, or renewals shall be accompanied by a form to be supplied by the State Board. The form shall include a certification as to compliance with all of the procedural requirements and application components set forth in Article 27A of the School Code. The form and the proposed contractual agreement shall be signed by the president(s) of the local school board(s) and the appropriate officers of the charter school governing

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body. Section 27A-6 of the School Code provides that a proposed contract between the governing body of a proposed charter school and the local school board must be submitted to and certified by the State Board before it can have effect.

- b) Reports of denials, revocations or non-renewals shall consist of the charter proposal or current charter contract as voted upon by the local board(s) of education and a copy of each board's resolution setting forth the board's action and its reasons for the action ~~any rationale cited by the board for its action (e.g., text of motion, text of minutes, written statement of the board, board letter of denial) and a record of the vote of the board(s) on the proposal.~~
- c) A certification of publication and a copy of the printed notice of the public meeting for each local board of education involved, as required by Section 27A-8(d) of the School Code, must be submitted with all reports.
- d) Reports shall be submitted via certified mail, return receipt requested, to:
Illinois State Board of Education
Charter Schools
100 North First Street P.O. Box 6404
Springfield, Illinois 62777 62798

No electronic or facsimile transmissions will be accepted.

- e) Reports must be postmarked no later than 7 calendar days following the date of public meeting of the local board(s) of education at which the vote occurred and must include proof of service of the report upon the applicant or charter holder. In cases of separate public meetings by each school board involved, the 7 days shall begin when the last school board votes on the matter.

f) Section 27A-4(b) of the School Code limits the number of charter schools and requires the State Board of Education to process applications in the order received in order to ensure fair and prompt consideration by the State Board of Education; applications for approved proposals addressed other than as specified in subsection (d) of this Section or postmarked later than 7 calendar days following the date of approval by all school boards involved shall not be processed.

(Source: Amended SEP 03 1998 22 Ill. Reg. 16455, effective

Section 650.40 Review of Local Approvals by State Board

- a) Pursuant to Section 27A-6(d) of the School Code, the State Board shall assign a number to each submission or resubmission in chronological order of its receipt within each of the three geographic regions designated in Section 27A-4 of the School Code. The State Board shall notify local boards of education when the maximum numbers of charter schools authorized for any region have been reached, and no further applications from such region(s) shall be processed until such time as

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~~the number of charter schools operating in a region falls below the maximum authorized. Notification shall be provided in a manner designed to reach each school district superintendent in the region.~~

- b) The State Board shall review each report of an approved application, revision or renewal to determine whether the statutory requirements have been followed and the proposed contractual agreement is complete and compliant with the provisions of Article 27A of the School Code. Proposed contractual agreements which are complete and compliant with the provisions of Article 27A of the School Code shall be certified by the State Superintendent until the maximum authorized numbers of charter schools have been reached. A certification ~~certified copy of~~ the charter shall be sent to the local school board(s) and the charter school governing body. ~~No charter school may be authorized to open prior to the fall of 1996 (Section 27A-41) of the School Code.~~

- b) If a report is incomplete or a proposed contractual agreement fails to comply with any applicable law, the State Board shall so notify the submitting school board(s) and the applicant or charter holder, identifying the area(s) of deficiency that must be remedied before the proposal can be considered for certification.

- d) ~~The State Board shall review a report of a denied, revoked or non-renewed application or revision if an appeal is filed by the applicant. The review shall be limited to ascertaining compliance with the notice and hearing requirements of Article 27A and to determining that the rationale of the school board(s) does not contain any errors as to the applicable legal requirements.~~

- c) The State Superintendent shall notify the local school board(s) and the applicant or charter holder as to a determination made with respect to a report of an approved application, renewal or revision by certified mail within 14 days after receipt of the report (Section 27A-8(f) of the School Code). ~~If an appeal of a denied, revoked or non-renewed application or revision is submitted pursuant to Section 650-60 of this Part, the State Superintendent shall notify the local school board(s) and the applicant by certified mail as to the determination made with respect to the review within 14 days after receipt of the appeal.~~

(Source: Amended at 22 Ill. Reg. 16455, effective SEP 13 1998)

Section 650.60 Appeal of Local School Board Decisions Reports

- a) An applicant or a charter holder may appeal to the State Board of Education a local school board report which denies, revokes or refuses to renew a charter application ~~only if the local school board(s) did not comply with the notice and hearing requirements of Article 27A of the School Code or if the local school board(s) made errors in applying the legal requirements of Article 27A or both.~~ The appeal must state the reasons why the decision of the school board should be

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reversed and must be postmarked no later than 14 calendar days following the postmark date of the report's submission to the State Board of Education. The appeal must be submitted in writing by certified mail, return receipt requested, to the following address, with a copy sent by certified mail to the school board:

Illinois State Board of Education

Charter Schools

100 North First Street P-8-Box-6404

Springfield, Illinois 62777 62708

No electronic or facsimile transmissions will be accepted. Appeals ~~addressed other than as specified above or postmarked later than 14 calendar days following the postmark date of submission of the report~~ shall not be processed.

- b) The parties shall submit to the State Board such additional information as the State Board determines is necessary to decide the appeal.

- c) The applicant, charter holder, or school board may request an opportunity to make an oral presentation to staff of the State Board of Education designated by the State Superintendent of Education.

- 1) An applicant or charter holder shall request an oral presentation in the appeal document submitted pursuant to this Section.

- 2) If an applicant or charter holder does not request an oral presentation, the school board may request an oral presentation by mailing a written request to the State Board, with a copy sent to the applicant or charter holder, within seven days after the postmark date of the appeal.

- 3) Staff of the State Board of Education will schedule the presentation after giving no less than seven days' notice to each party, unless the State Superintendent can determine from the school board's report that the school or proposal, as a matter of law, does not comply with the Charter Schools Law.

- 4) If either party has requested and is entitled to an oral presentation, each party shall be given 45 minutes to make a presentation.

- 5) If neither party requests an oral presentation, staff of the State Board may request that the parties make an oral presentation after giving no less than seven days' notice to each party.

- d) Staff of the State Board of Education shall submit a recommendation to the State Superintendent of Education.

- 1) If the State Superintendent determines that the appeal is untimely or that the school or proposal, as a matter of law, does not comply with the Charter Schools Law, he shall issue a final decision to the parties containing his findings and denying the appeal. Otherwise the State Superintendent shall submit his findings and recommendation to the State Board of Education for a final decision.

- 2) A copy of the final decision shall be sent by certified mail to

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each party within 60 days after receipt of the appeal, receipt of any additional information requested under subsection (b) of this Section, or the date of an oral presentation made pursuant to this Section, whichever occurs last.

(Source: Amended at 22 Ill. Reg. 16455, effective SEP 03 1998)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Accelerated Life Benefit/Terminal Illness/Qualified Conditions
- 2) Code Citation: 50 Ill. Adm. Code 1407
- 3) Section Number:
1407.10 Adopted Action:
Amendment
1407.20 Amendment
1407.30 Amendment
1407.60 Amendment
- 4) Statutory Authority: Implementing and authorized by Article I, Section 4 of the Illinois Insurance Code [215 ILCS 5/4].
- 5) Effective Date of Amendment: September 1, 1998
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Insurance's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
May 22, 1998, 22 Ill. Reg. 8652
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference(s) between proposal and final version: Section 1407.20, Line 36; change "4(a)" to "4".
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No, the Department did not agree to the changes in Section 1407.30, Lines 116-117.
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: Part 1407 is being amended to allow insurance companies to combine accelerated life benefits with qualified conditions into one policy form. Housekeeping changes are also being made.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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Betty Jo Teer
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217)785-7351

The full text of the Adopted amendment begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE

PART 1407

ACCELERATED LIFE BENEFIT/TERMINAL ILLNESS/QUALIFIED CONDITIONS

Section

1407.10 Purpose and Applicability
1407.20 Definitions
1407.30 Form Requirements
1407.40 Standards for Claims Payment
1407.50 Required Disclosure Provisions
1407.60 Reserves

AUTHORITY: Implementing and authorized by Article I, Section 4 of the Illinois Insurance Code [215 ILCS 5/4].

SOURCE: Adopted at 15 Ill. Reg. 8872, effective June 7, 1991; amended at 22 Ill. Reg. 16469, effective SEP 01 1998.

Section 1407.10 Purpose and Applicability

The purpose of this Part is to regulate accelerated benefit provisions in individual and group life insurance policies, contracts, riders, endorsements or amendments and to provide required standards of disclosure. This Part is not applicable to Long-Term Care policies, contracts, riders, endorsements or amendments subject to the provisions of Article XIXA of the Illinois Insurance Code [215 ILCS 5/351A-1] (~~Ill-Rev-Stat-1989-ch-73-pars-963A-i-et-seq-~~).

(Source: Amended at 22 Ill. Reg. 16469, effective SEP 01 1998)

Section 1407.20 Definitions

"Accelerated Benefits" means amounts payable in advance of the time life insurance benefits would otherwise be payable because of the occurrence of a terminal illness or a qualified covered condition.

"Qualified Actuary" means a person that meets the requirements of 50 Ill. Adm. Code 920.

"Qualified Covered Condition" means any one of the separate covered conditions as set forth in Section 4, Class 1(a) of the Illinois Insurance Code [215 ILCS 5/4] (~~Ill-Rev-Stat-1989-ch-73-par-616a)-as-amended-by-P.A.-86-1176-effective-August-15-1990~~) the occurrence of which may result in the payment of an accelerated benefit of up to 25% of the face amount of the policy.

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"terminal illness" means a medical condition which, in the opinion of a physician who is licensed to practice medicine in all of its branches, would generally result in the insured's death within a period not to exceed 24 months, or any condition which requires continuous confinement in an eligible institution if the insured is expected to remain until death.

(Source: Amended at 22 Ill. Reg. 16432, effective SEP 11 1998)

Section 1407.30 Form Requirements

No policies, contracts, riders, endorsements or amendments which provide for accelerated benefits may be issued for delivery in this State unless they meet the following requirements.

a) General Standards and Practices

- 1) The name given to the coverage must be descriptive of the coverage provided and the terminology "accelerated benefit" shall be included in the descriptive title. Products regulated under this Part shall not be described or marketed as long-term care insurance or as providing long-term care benefits.
- 2) The death benefit net of any outstanding policy loans shall not be reduced more than the amount of the accelerated benefits and any applicable accrued interest, or any applicable actuarial present value discount appropriate to the policy design.
- 3) The renewability and cost of any accelerated benefit life insurance policy must be guaranteed for the term of the policy or rider. This requirement will not apply to coverage in which the insurer pays the present value of the life insurance face amount based on an applicable actuarial discount. The requirements of this subsection are not applicable to group insurance.
- 4) The insurer may pay a present value of the face amount. The calculation shall be based on any applicable actuarial discount appropriate to the policy design. The interest rate or interest rate methodology used in the calculation shall be based on sound actuarial principles and disclosed in the contract or actuarial memorandum. The maximum interest rate used shall be no greater than the greater of:
 - A) The current yield on 90 day treasury bills; or
 - B) The current maximum policy loan interest rate.
- 5) The insurer may accrue an interest charge on the amount of the accelerated benefits. The interest rate or interest rate methodology used in the calculation shall be based on sound actuarial principles and disclosed in the policy or actuarial memorandum. The maximum interest rate used shall be no greater than the greater of:
 - A) The current yield on 90 day treasury bills; or
 - B) The current maximum policy loan interest rate.

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- 6) The interest rate accrued on the portion of the lien which is equal in amount to the cash value of the policy at the time of the benefit acceleration shall be no more than the policy loan interest rate stated in the policy.
- b) Filing Requirements
 - 1) All policy forms and certificate forms pertaining to an accelerated benefit shall be filed with the Department of Insurance for its review and approval prior to their use in this State.
 - 2) If the filing is other than a policy or contract, the insurer shall provide the form number of the policy or contract form or forms with which the accelerated benefit filing is to be used.
 - 3) If a form provides for a reduction in policy values following payment of the accelerated benefit, the insurer shall provide the Department with an actuarial explanation of the policy value reductions and the remaining premium, if any.
 - 4) ~~in-no-event-which-the-benefit-for-accelerated-benefit/terminal-itness-and-accelerated-benefit/qualified-covered---condition-coverage-be-combined-under-one-policy-or-rider~~
 - 4)5) The insurer shall file with the Department the disclosure statements it will utilize to comply with Section 1407.50 of this Part.
 - 5)6) Concurrently with the accelerated benefit policy form filing required by this Section, the insurer shall file an actuarial memorandum prepared by a qualified actuary that describes the accelerated benefit(s), the risks, the expected costs and the calculation of statutory reserves in compliance with applicable valuation and nonforfeiture law. (See 215 ILCS 5/223 and 229.2.)~~-----Rev-Stat-1989-ch-737-pars--895-and-041-27-~~ The insurer shall maintain in its files descriptions of the bases and procedures used to calculate its accelerated benefit provisions.

(Source: Amended 22 Ill. Reg. effective
SEP 01 1998 16492)

Section 1407.60 Reserves

- a) When benefits are provided through the acceleration of benefits under group or individual policies or riders to such policies, policy reserves shall be determined in accordance with Section 223 of the Illinois Insurance Code [215 ILCS 5/223] ~~###Rev###Stat###1989###ch. 77###par###0357~~. All valuation assumptions used in constructing the reserves shall be determined as appropriate for statutory valuation purposes by a qualified actuary. Reserves in the aggregate shall be sufficient to cover:
- 1) Policies upon which no claim has yet arisen; and
 - 2) Policies upon which an accelerated benefits claim has arisen.
- b) For policies and certificates which provide actuarially equivalent

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

- benefits, no additional reserves need to be established.
- c) Policy liens and policy loans, including accrued interest, represent assets of the company for statutory reporting purposes. For any policy on which the policy lien exceeds the policy's statutory reserve liability such excess must be held as a non-admitted asset.

(Source: Amended at 22 Ill. Reg. 16462, effective SEP 01 1998)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Advertising and Sales Promotion of Life Insurance and Annuities
- 2) Code Citation: 50 Ill. Adm. Code 909
- 3) Section Number: 909.20 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 149, 151, 236, 237, 426 and 502 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/149, 151, 236, 237, 401, 426 and 502].
- 5) Effective Date of Amendment: September 1, 1998
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment including any material incorporated by reference, is on file in the Department of Insurance's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 5, 1998, 22 Ill. Reg. 7439
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference(s) between proposal and final version: Section 909.20, line 62, add "Currently Payable Scale means a scale of non-quaranteed elements in effect for a policy form as of the preparation date of the illustration, or declared to become effective within the next 95 days of the preparation date."
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: The Department is amending the definition of disciplined current scale and illustrated scale in Part 909.20 in order to be consistent with the definition of disciplined current scale and illustrated scale contained in 50 Ill. Adm. Code 1406.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Betty Jo Teer
 Department of Insurance
 320 West Washington
 Springfield, Illinois 62767-0001
 (217) 785-7349

The full text of the Adopted Amendment begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 909

ADVERTISING AND SALES PROMOTION OF
 LIFE INSURANCE AND ANNUITIES

Section

909.10	Authority
909.20	Definitions
909.30	Applicability
909.40	Form and Content of Advertisements
909.50	Disclosure Requirements
909.60	Identity of Insurer
909.70	Jurisdictional Licensing and Status of Insurer
909.80	Statements About an Insurer
909.90	Enforcement Procedures
909.100	Penalties
909.110	Conflict with Other Rules
909.120	Severability Provision

AUTHORITY: Implementing Sections 149, 151, 236, 237, 426 and 502 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/149, 151, 236, 237, 401, 426, and 502].

SOURCE: Filed April 26, 1976, effective May 7, 1976; codified at 7 Ill. Reg. 3460; amended at 14 Ill. Reg. 13584, effective August 14, 1990; amended at 15 Ill. Reg. 15665, effective October 18, 1991; amended at 22 Ill. Reg. 3027, effective June 1998; amended at 22 Ill. Reg. 10400, effective SEP 01 1998.

Section 909.20 Definitions

For the purpose of this Part:

Advertisement for the purpose of this Part shall not include:

Communications ~~communications~~ or materials used within an insurer's own organization and not intended for dissemination to the public;

Communications ~~communications~~ with policyholders other than material urging policyholders to purchase, increase, modify, reinstate or retain a policy;

A ~~a~~ general announcement from a group or blanket policyholder to eligible individuals on an employment or membership list that a

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NOTICE OF ADOPTED AMENDMENTS

policy or program has been written or arranged, provided the announcement clearly indicates that it is preliminary to the issuance of a booklet explaining the proposed coverage.

Advertisement shall be material designed to create public interest in life insurance or annuities or in an insurer, or to induce the public to purchase, increase, modify, reinstate or retain a policy including:

Printed printed and published material, audio-visual material and descriptive literature of an insurer used in direct mail, newspapers, magazines, radio and television scripts, billboards and similar displays;

Descriptive descriptive literature and sales aids of all kinds issued by an insurer or agent, including but not limited to circulars, leaflets, booklets, depictions, illustrations and form letters;

Material material used for the recruitment, training, and education of an insurer's sales personnel, agents, solicitors and brokers which is designed to be used or is used to induce the public to purchase, increase, modify, reinstate or retain a policy;

Prepared prepared sales talks, presentations, and material for use by sales personnel, agents, solicitors and brokers.

Currently Payable Scale means a scale of non-guaranteed elements in effect for a policy form as of the preparation date of the illustration, or declared to become effective within the next 95 days of the preparation date.

Disciplined current scale means a scale of non-guaranteed elements constituting a limit on illustrations currently being illustrated by an insurer that is reasonably based on actual recent historical experience, as certified annually by an illustration actuary designated by the insurer. The standards established Further guidance in determining the disciplined current scale as contained in standards promulgated by the Actuarial Standards Board (ASB) (1720 I Street, N.W., 7th Floor, Washington, D.C. 20006) (Actuarial Standard of Practice No. 24, Compliance with the NAIC Life Insurance Illustrations Model Regulation as of December 1995, no subsequent dates or editions) may be relied upon if the standards:

Are are consistent with all provisions of this Part;

Limit limit a disciplined current scale to reflect only actions that have already been taken or events that have already

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occurred;

Do do not permit a disciplined current scale to include any projected trends of improvements in experience or any assumed improvements in experience beyond the illustration date; and

Do do not permit assumed expenses to be less than minimum assumed expenses.

Illustrated scale means a scale of non-guaranteed elements, currently being illustrated for policies other than variable life insurance, individual and group annuity contracts, credit life insurance, or and life insurance policies and certificates with guaranteed death benefits of \$10,000 or less, or no illustrated death benefits less than \$15,000 on any individuals exceeding \$10,000, that is not more favorable to the policy owner than the lesser of:

The the disciplined current scale; or

The the currently payable scale.

Insurer shall include any organization or person which issues life insurance or annuities to residents of this State.

Non-guaranteed elements means premiums, benefits, values, credits or charges under a policy of life insurance that are not guaranteed or not determined at issue.

Policy shall include any policy, plan, certificate, contract, agreement, statement of coverage, rider or endorsement which provides for life insurance or annuity benefits.

Preneed Funeral Contract or Prearrangement shall mean an arrangement by or for an individual before the individual's death relating to the purchase or provision of specific funeral or cemetery merchandise or services.

(Source: Amended 1998 22 Ill. Reg. 16468, effective 1/1/98)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Minimum Mortality Standard for Valuation of Annuity and Pure Endowment Contracts
- 2) Code Citation: 50 Ill. Adm. Code 935
- 3)

Section Numbers:	Adopted Action:
935.10	Amendment
935.20	Amendment
935.30	Amendment
935.40	Amendment
935.50	Amendment
935.55	Amendment
935.60	Amendment
935.70	Amendment

- 4) Statutory Authority: Implementing and authorized by Section 223 and 401 of the Illinois Insurance Code [215 ILCS 5/223 and 401].

- 5) Effective Date of Rulemaking: January 1, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A statement that a copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register:

May 22, 1998, 22 Ill. Reg. 8658

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: No changes were made between the proposed and final version.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: Part 935 is being amended to incorporate changes that were made to the "NAIC Model Rule Regulation For Recognizing a New Annuity Mortality Table for Use in Determining Reserve Liabilities for Annuities". These amendments introduce two new valuation

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mortality tables, the 1994 Group Annuity Reserving (1994) GAR) Table and the Annuity 2000 Mortality Table, for calculating minimum statutory reserves for individual and group annuities. These tables reflect more current and lower mortality rates that are now being used. Using lower mortality rates will increase the minimum statutory reserves for some annuity products.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Bruce Satain
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-0903

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 935

REVISION OF THE MINIMUM MORTALITY STANDARD
 FOR VALUATION OF ANNUITY AND PURE ENDOWMENT CONTRACTS

Section	
935.10	Authority
935.20	Purpose
935.30	Definitions
935.40	Individual Annuity or Pure Endowment Contracts
935.50	Group Annuity and Pure Endowment Contracts
935.55	Application of the 1994 GAR Table
935.60	Severability (Repealed)
935.70	Effective Date (Repealed)

AUTHORITY: Implementing and authorized by Sections 223 and 401 of the Illinois Insurance Code [215 ILCS 5/223 and 401].

SOURCE: Adopted at 9 Ill. Reg. 16857, effective December 31, 1985; amended at 22 Ill. Reg. 16473, effective January 1, 1999.

Section 935.10 Authority

This Part is promulgated by the Director of Insurance pursuant to Sections 223 and 401 of the Illinois Insurance Code [215 ILCS 5/223 and 401] ~~that~~ **Rev. Stat. 1993 and 1984 Supp. Ch. 73, pars. 835 and 837.**

(Source: Amended at 22 Ill. Reg. 16473, effective January 1, 1999)

Section 935.20 Purpose

The purpose of this Part is to recognize the following mortality tables **approve new mortality tables 1983 Table "a" and 1983 GAR Table** for use in determining the minimum standard of valuation of annuity and pure endowment contracts: the 1983 Table "a", the 1983 Group Annuity Mortality (1983 GAM) Table, the Annuity 2000 Mortality Table, and 1994 Group Annuity Reserving (1994 GAR) Table.

(Source: Amended at 22 Ill. Reg. 16473, effective January 1, 1999)

Section 935.30 Definitions

"1983 Table "a" means that mortality table developed by the Society of Actuaries Committee to Recommend a New Mortality Basis for Individual Annuity Valuation and adopted as a recognized mortality table for annuities in June 1982 by the National Association of

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Insurance Commissioners.

"1983 Group Annuity Mortality (GAM) Table" means that mortality table developed by the Society of Actuaries Committee on Annuities and adopted as a recognized mortality table for annuities in December 1983 by the National Association of Insurance Commissioners.

1994 Group Annuity Reserving (GAR) Table means that mortality table developed by the Society of Actuaries Group Annuity Valuation Table Task Force and adopted as a recognized mortality table for annuities in December 1996 by the National Association of Insurance Commissioners (NAIC) as published in the Transactions of the Society of Actuaries, Vol. XLVII, pp. 866-867. No later amendments or editions shall be included.

Annuity 2000 Mortality Table means that mortality table developed by the Society of Actuaries Committee on Life Insurance Research and adopted as a recognized mortality table for annuities in December 1996 by the NAIC as published in the Transactions of the Society of Actuaries, Vol. XLVII, p. 240. No later amendments or editions shall be included.

(Source: Amended at 22 Ill. Reg. 16473, effective January 1, 1999)

Section 935.40 Individual Annuity or Pure Endowment Contracts

a) Except as provided in subsections (b) and (c) of this Section, the 1983 Table "a" is recognized and approved as an individual annuity mortality table for valuation and, at the option of the company, may be used for purposes of determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after September 8, 1977.

b) Except as provided in subsection (c) of this Section, the 1983 Table "a" or the Annuity 2000 Mortality Table shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after December 31, 1985 ~~the effective date of this Part.~~

c) Except as provided in subsection (d) of this Section, the Annuity 2000 Mortality Table shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 1999.

d) The 1983 Table "a" without projection is to be used for determining the minimum standards of valuation for an individual annuity or pure endowment contract issued on or after January 1, 1999, solely when the contract is based on life contingencies and is issued to fund periodic benefits arising from:

1) Settlements of various forms of claims pertaining to court settlements or out of court settlements from tort actions;

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- 2) Settlements involving similar actions such as workers' compensation claims; or
- 3) Settlements of long term disability claims where a temporary or life annuity has been used in lieu of continuing disability payments.

(Source: Amended at 22 Ill. Reg. 16473, effective January 1, 1999)

Section 935.50 Group Annuity and Pure Endowment Contracts

- a) Except as provided in subsections (b) and (c) of this Section, the 1983 GAM Table, and the 1983 Table "a" and the 1994 GAR Table are recognized and approved as group annuity mortality tables for determining the minimum standards of valuation and, at the option of the company, any one of these tables ~~either table~~ may be used for purposes of valuation for any annuity or pure endowment purchased on or after September 8, 1977 under a group annuity or pure endowment contract.
- b) Except as provided in subsection (c) of this Section, either the 1983 GAM Table or the 1994 GAR Table shall be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after December 31, 1985 ~~the effective date of this part~~ under a group annuity or pure endowment contract.
- c) The 1994 GAR Table shall be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after January 1, 1999 under a group annuity or pure endowment contract.

(Source: Amended at 22 Ill. Reg. 16473, effective January 1, 1999)

Section 935.55 Application of the 1994 GAR Table

In using the 1994 GAR Table, the mortality rate for a person age x in year $(1994+n)$ is calculated as follows:

$$\frac{1994+n}{x} = \frac{1994}{x} \frac{(1-AAn)}{x}$$

where the $\frac{1994}{x}$ and AAs are as specified in the 1994 GAR Table

(Source: Added at 22 Ill. Reg. 16473, effective January 1, 1999)

Section 935.60 Severability (Repealed)

~~If any Section or portion of a Section of this Part, or the applicability thereof to any person or circumstance, is held invalid by a court, the~~

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~~remainder of the Part, or the applicability of such provision or circumstance, shall not be affected thereby.~~

(Source: Repealed at 22 Ill. Reg. 16473, effective January 1, 1999)

Section 935.70 Effective Date (Repealed)

~~The effective date of this Part is December 31, 1985.~~

(Source: Repealed at 22 Ill. Reg. 16473, effective January 1, 1999)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Collection Agency Act
- 2) Code Citation: 68 Ill. Adm. Code 1210
- 3) Section Numbers: Adopted Action:
1210.235 Amendment
- 4) Statutory Authority: Collection Agency Act [225 ILCS 425].
- 5) Effective Date of Amendments: September 4, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) a copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection
- 9) Date Notice of Proposal Published in Illinois Register: June 5, 1998, at 22 Ill. Reg. 9466.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 89-387, reauthorizing the Collection Agency Act, changed collection agency license renewals from every two years to every three years. This rule implements this provision.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1210
COLLECTION AGENCY ACT

Section	Definitions
1210.10	Officer
1210.20	Application for Registration
1210.25	Harassment Defined (Repealed)
1210.30	Section 9.21 of Act Defined (Repealed)
1210.40	Posing as an Attorney (Repealed)
1210.50	Communication by Agency
1210.60	Use of Pseudonyms
1210.70	Doing Business at More Than One Office or Location
1210.80	Additional Office or Change of Location of Office
1210.90	Notices (Repealed)
1210.100	Change of Ownership
1210.105	Termination or Change in Registration
1210.110	Address for Notice (Repealed)
1210.120	Use of Street Addresses (Repealed)
1210.130	Records and Documents to be Kept by Collection Agency
1210.140	Recording of Payments
1210.150	Multiple Creditors
1210.160	Availability of Books, Records, Forms and Stationery
1210.170	Accounting and Remitting Collected Funds
1210.180	Creditor Accounts
1210.190	Trust Accounts (Repealed)
1210.200	Notice for Hearing (Repealed)
1210.210	Procedures for Hearing (Repealed)
1210.220	Default Disposition of a Hearing (Repealed)
1210.230	Renewals
1210.235	Granting Variances
1210.240	Construction of Rules and Regulations (Repealed)
1210.250	

AUTHORITY: Implementing Section 13 of the Collection Agency Act [225 ILCS 425] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Collection Agency Act, effective December 3, 1976; codified at 5 Ill. Reg. 11025; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 210 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1210 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988,

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at 12 Ill. Reg. 2919; amended at 17 Ill. Reg. 1535, effective January 25, 1993; amended at 22 Ill. Reg. 16473, effective SEP 04 1998.

Section 1210.235 Renewals

- a) Every certificate of registration issued under the Act shall expire on May 31, 2000 and every three years thereafter. ~~of each odd-numbered year.~~ The holder of a certificate of registration may renew the certificate during the month preceding the expiration date by paying the required fee.
- b) It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) Practicing or offering to practice on a certificate of registration which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 9 of the Act.

(Source: Amended at 22 Ill. Reg. 16473, effective SEP 04 1998)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Marriage and Family Therapy Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1283
- 3) Section Numbers: Adopted Action:
 1283.10 Repealed
 1283.15 New Section
 1283.20 Amendment
 1283.25 New Section
 1283.30 Amendment
 1283.50 Amendment
 1283.60 Amendment
 1283.70 Amendment
 1283.100 Amendment
 1283.110 Amendment
- 4) Statutory Authority: Marriage and Family Therapy Licensing Act [225 ILCS 55].

5) Effective Date of Amendments: September 3, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: May 1, 1998, at 22 Ill. Reg. 7505

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: No substantive changes were made, but there were several technical changes.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: Public Act 90-0061, effective December 30, 1997, includes the reauthorization of the Marriage and Family Therapy Licensing Act; this proposed rulemaking implements various statutory

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NOTICE OF ADOPTED AMENDMENT(S)

changes. Among its changes was elimination of obsolete language, including grandfather provisions, and differentiating between and clarifying professional work and clinical experience. It also revises educational requirements to include program approval.

- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813
Fax #: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1283

MARRIAGE AND FAMILY THERAPY LICENSING ACT

Section	Application for a Temporary License Under Section 50 of the Act (Repealed)
1283.10	Professional Work Experience
1283.15	Clinical Experience
1283.20	Clinical Supervision
1283.25	Education
1283.30	Examination
1283.40	Application for Examination/Licensure
1283.50	Endorsement
1283.60	Renewal
1283.70	Inactive Status
1283.80	Restoration
1283.90	Fees
1283.95	Professional Conduct
1283.100	Continuing Education
1283.110	Granting Variances
1283.120	

AUTHORITY: Implementing the Marriage and Family Therapy Licensing Act [225 ILCS 55] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 18 Ill. Reg. 10752, effective June 28, 1994; amended at 20 Ill. Reg. 12006, effective August 27, 1996; amended at 22 Ill. Reg. 3883, effective May 5, 1998; amended at 22 Ill. Reg. 16482, effective SEP 09 1998.

Section 1283.10 Application for a Temporary License Under Section 50 of the Act (Repealed)

- a) Any person seeking a temporary license without examination under Section 50 of the Marriage and Family Therapy Licensing Act (the Act) shall file an application with the Department of Professional Regulation (the Department) on forms provided by the Department. The application shall include the following:
- Verification on forms provided by the Department that the applicant holds one of the following:
 - A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution,
 - A master's or doctoral degree from a regionally accredited educational institution in a related field (e.g., behavioral

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NOTICE OF ADOPTED AMENDMENT(S)

science or mental health) with an equivalent course of study in marriage and family therapy as set forth in Section 1203.30(b) of this Part; or

e) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy education of the American Association for Marriage and Family Therapy.

2) Verification signed by an employer or supervisor on forms provided by the Department, that following receipt of the first qualifying degree, the applicant obtained at least 2 years of work experience as defined in Section 1203.20 of this Part; if self-employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work, attesting to the applicant's work performance.

3) Verification of at least 200 hours of clinical supervision as defined in Section 1203.20 of this Part.

4) A complete work history since graduation from a master's program.

5) The required fee set forth in Section 55 of the Act.

6) Certification on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction; and

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) In lieu of subsections (a)(1), (2) and (3), the Department shall accept certification of active clinical membership from the American Association for Marriage and Family Therapy.

c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Illinois Marriage and Family Therapy Board (the Board) because of lack of information or discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:

1) Provide such information as may be necessary; and/or

2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

d) All persons receiving a temporary license shall pass the examination set forth in Section 1203.40 by December 31, 1995, in order to obtain a license as a licensed marriage and family therapist.

e) All temporary licenses shall expire December 31, 1995.

f) Upon approval of the temporary license, the applicant shall be eligible to sit for the examination. The applicant shall submit a completed application form provided by the Department along with the

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examination fee to the designated testing service. Upon notification to the Department by the testing service that the applicant has passed the examination and the submission by the applicant of the fee set forth in Section 55(a) of the Act, the Department shall issue the permanent marriage and family therapist license.

(Source: Repealed at 22 Ill. Reg. 16483, effective SEP 03 1996)

Section 1203.15 Professional Work Experience

An applicant for a license as a marriage and family therapist shall, following receipt of the first qualifying education degree, complete at least 3000 hours of professional work experience in not less than a 2 year period.

a) Professional work experience is defined as providing professional services, including clinical activities as defined in Section 1203.20 as well as non-clinical activities related to the practice of the profession of marriage and family therapy. Following receipt of the first qualifying education degree, at least 3000 hours of professional work experience is required, which includes 1000 hours as defined in Section 1203.20 of this Part and 200 hours of clinical supervision as defined in Section 1203.25 of this Part.

b) Professional work experience shall be obtained in not less than 2 years and no more than 5 years.

(Source: Added at 22 Ill. Reg. 16483, effective SEP 03 1996)

Section 1203.20 Clinical Experience and Clinical Supervision

An applicant for a license as a marriage and family therapist shall, following receipt of the first qualifying education degree, complete at least 2 years of work experience in the practice of marriage and family therapy, including at least 1,000 hours of face-to-face client contact with individuals, couples and families, including individual, for the purpose of evaluation and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology, and at least 200 hours of clinical supervision of marriage and family therapy.

At least 350 hours of the 1000 hours of face-to-face client contact must involve working with only one client present in therapy sessions, and at least 350 hours of the 1000 hours of face-to-face client contact must involve conjoint therapy, i.e., working with two or more clients present in therapy sessions who are in significant relationships with each other outside the therapy context. The applicant shall be supervised as defined in Section 1203.21 of this Part during the whole period the applicant is accumulating clinical experience.

a) Clinical experience in the practice of marriage and family therapy may be gained by providing treatment that includes, but is not limited to:

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- 1) Individual and conjoint Marriage and family therapy;
- 2) Counseling;
- 3) Psychotherapy, including behavioral-family therapy;
- 4) Assessment and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology;
- 54) Behavior modification;
- 55) Hypnotherapy;
- 76) Sex therapy;
- 87) Consultation;
- 98) Client advocacy;
- 109) Crisis intervention;
- 110) Testing and evaluation;
- 121) Group therapy;
- 131) Multi-family therapy; and
- 143) Psychoeducation; and informing and educating clients;
- 15) Therapy with children and adolescents.
- b) Marriage and family therapy treatment shall include, but not be limited to, providing mental health services for the evaluation and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology. direct--individual,--group--or--family--therapy counseling--in--the--following--categories:
- 1) Married couples;
- 2) Unmarried couples;
- 3) Separating and/or divorcing couples;
- 4) Family groups including children; and
- 5) Multi-family groups.
- c) The use of specific methods, techniques or modalities within the practice of marriage and family therapy is restricted to marriage and family therapists appropriately trained in the use of such methods, techniques or modalities.
- d) One-year--of--work--experience--is--defined--as--a--minimum--of--100--hours--of--professional--work--experience--providing--marriage--and--family--services.
- 1) No more than one year of credit shall be given in a 12-month period;
- 2) Experience shall be obtained in not less than 2 years and no more than 5 years.
- e) Clinical Supervision
- 1) The 200--hours--of--clinical--supervision--required--in--Sections 1203-10(a)(3) and 1203-50(a)(3) may be completed while fulfilling the 2-year work experience requirement of Sections 1203-10(a)(2) and 1203-50(a)(2);
- 2) Prior--to--and--including--December--31--1995--the--clinical supervision--at--the--time--the--supervision--took--place--shall--have been received from an individual(s) who:
- A) Had been practicing marriage and family therapy for at least 10 years and had training in supervision; or
- B) Had:
- 1) Completed--the--education--requirements--defined--under

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- Section 1203-30 or equivalent;
- 1) Completed 5 years full-time experience as a marriage and family therapist as defined in subsections (a)(7) (b) and (d);
- 11) Provided over 3000 therapy hours of face-to-face client contact;
- 14) Received or was in the process of receiving 36 hours of supervision specifically in the skill of providing marriage and family therapy supervision; or
- e) Was certified as an approved supervisor or supervisor-in-training by the American Association for Marriage and Family Therapy.
- 3) After December 31, 1995, the clinical supervision, at the time the supervision took place, shall have been received from an individual(s) who:
- A) Had:
- 1) Held an active license as a marriage and family therapist;
- 11) Completed 5 years full-time experience as a marriage and family therapist as defined in subsections (a)(7) (b) and (d);
- 111) Provided over 3000 therapy hours of face-to-face client contact;
- 14) Received or was in the process of receiving 36 hours of supervision specifically in the skill of providing marriage and family therapy supervision; and
- v) Completed a 2 semester hour graduate course in marriage and family therapy supervision (at least 30 contact hours) or the equivalent prior to or during the supervision provided the applicant or
- B) Was certified as an approved supervisor or supervisor-in-training by the American Association for Marriage and Family Therapy;
- 4) After December 31, 1999, the clinical supervision shall, at the time the supervision took place, have been received from an individual(s) who:
- A) Had:
- 1) Held an active license as a marriage and family therapist for at least 5 years;
- 11) Provided over 3000 therapy hours of face-to-face client contact;
- 111) Received or was in the process of receiving 36 hours of supervision specifically in the skill of providing marriage and family therapy supervision; and
- 14) Completed a 2 semester hour graduate course in marriage and family therapy supervision (at least 30 contact hours) or the equivalent prior to or during the supervision provided the applicant; or

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B) Was--certified--as--an--approved-supervisor--or--supervisor-in-training--by--the--American-Association--for--Marriage--and--Family--therapy.

5) Supervision--means--the--direct--clinical--review,--for--the--purposes--of--training--or--teaching--by--a--supervisor,--of--the--applicant's--interaction--with--a--client,--the--purpose--of--supervision--shall--be--to--promote--the--development--of--the--individual's--clinical--skills. Supervision--is--face-to-face--conversation--with--a--supervisor--usually--in--periods--of--approximately--one--hour--each--the--learning--process--is--sustained--and--intense--Appointments--are--scheduled--on--a--regular--basis. Supervision--focuses--on--the--raw--data--from--a--supervisee's--continuing--clinical--practice--which--is--available--to--the--supervisor--through--a--combination--of--direct--live--observation,--co-therapy,--written--clinical--notes,--audio--and--video--recording,--and--live--supervision. It--is--a--process--clearly--distinguishable--from--personal--psychotherapy--and--is--contracted--in--order--to--serve--professional--goals.

A) Individual-supervision--shall--mean--a--maximum--of--2--supervisees--meeting--with--one--supervisor.

B) Group-supervision--shall--mean--a--maximum--of--6--supervisees--meeting--with--one--supervisor.

7) The--following--is--not--acceptable--marriage--and--family--therapy--supervision:--peer--supervision--(supervision--by--a--person--of--equivalent--but--not--superior--qualifications,--status--and--experience);--supervision--by--current--or--former--family--members--or--any--other--person--with--whom--the--nature--of--the--personal--relationship--prevents--or--makes--difficult--the--establishment--of--a--professional--supervisory--relationship;--administrative--supervision--(administrative--supervision--by--an--institutional--director--or--executive--for--example;--conducted--to--evaluate--job--performance--or--for--case--management;--not--the--quality--of--therapy--given--to--a--client);--a--primarily--didactic--process--wherein--techniques--or--procedures--are--taught--in--a--group--setting;--classroom,--workshop--or--seminar;--staff--development,--orientation--to--a--field--or--program--or--role-playing--of--family--relationships--as--a--substitute--for--current--clinical--practice--in--an--appropriate--clinical--situation.

f) A--doctoral--internship--may--be--appointed--toward--the--200-hour--clinical--supervision--requirement--of--Sections--1283.10(a)(3)--and--1283.50(a)(3).

(Source: Amended 22 Ill. Reg. 16482, effective SEP 13 1996)

Section 1283.25 Clinical Supervision

An applicant must complete 200 hours of clinical supervision of marriage and family therapy. At least 100 of these 200 clinical supervision hours must occur following the receipt of the first qualifying degree. Up to 100 hours of clinical supervision accumulated during graduate training may be counted toward

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the required 200 hours of clinical supervision. At least 100 of the 200 hours of clinical supervision must be completed with a marriage and family therapy supervisor who has met certain requirements.

a) At least 100 of the 200 hours of clinical supervision shall be completed while fulfilling the clinical experience requirement of Section 1283.20 of this Part and the post-degree professional work experience requirement in Section 1283.15 of this Part. Up to 100 hours of clinical supervision accumulated during graduate training for the first qualifying degree may be counted toward the required 200 hours of clinical supervision.

b) At least 100 of the 200 hours of clinical supervision, whether accumulated during or after graduate training for the first qualifying degree, shall have been received from an individual(s) who, at the time the supervision took place:

- 1) was certified as an approved supervisor or supervisor in training by the American Association for Marriage and Family Therapy; or
- 2) had held an active license as a marriage and family therapist with 5 years clinical experience providing marriage and family therapy after his or her first qualifying degree; or
- 3) held an active clinical membership certification with the American Association for Marriage and Family Therapy for at least 5 years; or
- 4) had:

A) held an active license as a licensed clinical psychologist, a licensed clinical social worker, a licensed clinical professional counselor or a psychiatrist licensed under the Medical Practice Act;

B) 5 years clinical experience providing marriage and family therapy as defined in Section 1283.20;

C) provided at least 1000 hours of conjoint therapy; and

D) either 2 years experience providing clinical supervision of marriage and family therapy (including the supervision of conjoint therapy) or completed a 1 semester hour graduate course in marriage and family therapy supervision (at least 15 contact hours) or the equivalent prior to or during the supervision provided the applicant.

c) The other 100 hours of the clinical supervision shall have been received as part of a practicum or internship experience and/or from an individual(s) who, at the time the supervision took place, was a licensed marriage and family therapist, licensed clinical psychologist, licensed clinical social worker, licensed clinical professional counselor or psychiatrist licensed under the Medical Practice Act with 5 years experience in his/her discipline.

d) All 200 hours of clinical supervision must meet the requirements set forth in subsections (e), (f), and (g) of this Section.

e) Supervision means the direct clinical review, for the purposes of training or teaching by a supervisor, of the applicant's interaction with a client. The purpose of supervision shall be to promote the

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development of the individual's clinical skills.

f) Supervision is face to face conversation with a supervisor, usually in periods of approximately one hour each. The learning process is sustained and intense. Appointments are scheduled on a regular basis. Supervision focuses on the raw data from a supervisee's continuing clinical practice, which is available to the supervisor through a combination of direct live observation, co-therapy, written clinical notes, audio and video recordings, and live supervision. It is a process clearly distinguishable from personal psychotherapy and is conducted in order to serve professional goals. Acceptable modes of supervision are as follows:

1) Individual supervision shall mean a maximum of 2 supervisees meeting with one supervisor.

2) Group supervision shall mean a maximum of 6 supervisees meeting with one supervisor.

g) The following is not acceptable marriage and family therapy supervision: peer supervision (supervision by a person of equivalent but not superior qualifications, status and experience); supervision by current or former family members or any other person with whom the nature of the personal relationship prevents, or makes difficult, the establishment of a professional supervisory relationship; administrative supervision (administrative supervision by an institutional director or executive, for example, conducted to evaluate job performance or for case management, not the quality of therapy given to a client); a primarily didactic process wherein techniques or procedures are taught in a group setting, classroom, workshop or seminar; staff development, orientation to a field or program or role-playing of family relationships as a substitute for current clinical practice in an appropriate clinical situation.

h) A doctoral practicum or internship may be applied toward the 200-hour clinical supervision requirement of Section 1283.50(a)(3).

(Source: Added at 22 Ill. Reg. 10482, effective 3/3/99)

Section 1283.30 Education

a) An applicant for a license as a marriage and family therapist shall hold one of the following:

1) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;

2) A master's or doctoral degree from a regionally accredited educational institution (by the U.S. Office of Education) in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in subsection (b); or

3) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy

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education of the American Association for Marriage and Family Therapy.

b) Prior to or on December 31, 1999, an applicant must have completed a minimum of 36 semester hours or 48 quarter hours of graduate coursework. Beginning January 1, 2000, an applicant must have completed a minimum of 48 semester hours or equivalent hours of graduate coursework. The applicant's graduate coursework, at a minimum, shall be substantially equivalent to the curriculum listed below. Courses are evaluated according to course content rather than course title. Course descriptions and syllabi are required for courses whose titles do not reflect the systemic-theoretical orientation and content as described below:

1) Marital and Family Studies. Topics in marriage and family studies must be addressed in a minimum of 3 courses (9 semester or 12 quarter hours or equivalent). Topics that may be counted toward this area of study include family {3-courses--9-semester or 12-quarter-hours--Family development and family interactional patterns across the life cycle of the individual as well as the family. Courses may include the study of: family life cycle; theories of family development; marriage and/or family dynamics; sociology of the family; families under stress; the contemporary family; social, cultural, and spiritual foundations of family life; family-in-a-social-context; the cross-cultural family; gender studies; youth/adult/aging and the family; family subsystems; individual; interpersonal relationships (marriage, parenting, sibling).

2) Marital and Family Therapy. Topics in marriage and family therapy must be addressed in a minimum of 3 courses (9 semester hours or 12 quarter hours or equivalent). The following topics must be covered: {3-courses--9-semester-or-12-quarter-hours--Family-therapy-methodology--family-assessment--treatment and intervention methods}

A) overview of major clinical theories of marital and family therapy that offer conceptualizations and methods for working conjointly with two or more clients present in each other outside the therapy context. These clinical theories shall include those in major textbooks in marriage and family therapy such as: communications, contextual, experiential, object relations, strategic, behavioral, structural, systemic, transgenerational;

B) assessment and evaluation of individuals (children, adolescents, and adults), couples and families;

C) treatment and intervention methods for working with individuals (children, adolescents and adults), couples, families and groups in therapy;

D) assessment and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology;

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E) assessment and treatment of substance abuse, domestic violence and sexual disorders;

F) crisis intervention.

The coursework in this subsection (b)(2) must balance methods for working individually (one client in a therapy session), and for working conjointly with at least two clients present in therapy sessions who are in significant relationships with each other outside the therapy context, and must include methods for working with groups.

3) Human Development. Topics in human development must be addressed in a minimum of 3 courses (9 semester hours or 12 quarter hours or equivalent). Topics that may be counted toward this area of study include: ~~3--courses---~~9-semester-or-12-quarter-hours-- Human development; lifestyle and career development; personality theory; testing and evaluation; and human sexuality. Coursework must cover the topics of psychopathology and behavior disorders. ⁷ psychopathology; behavior-pathology.

4) Professional Studies and Ethics. Topics in professional studies and ethics must be addressed in a minimum of 1 course (3 semester hours or 4 quarter hours or equivalent). Topics that may be counted toward this area of study include: ~~4--course---~~3-semester-or-4-quarter-hours-- Professional socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethics; family law; unique professional and ethical situations involved with conjoint therapies.

5) Research. Topics in research must be addressed in a minimum of 1 course (3 semester hours or 4 quarter hours or equivalent). Topics that may be counted toward this area of study include: ~~4--course---~~3--semester--or-4-quarter-hours-- Research design; ~~marital methods;~~ statistics; research in a mental health field ~~marital and family studies-and-therapy.~~

6) Clinical Practicum/Internship. (300 hours)--15 hours per week, approximately 8-10 hours in face-to-face contact with individuals, couples and families for the purpose of assessment, diagnosis and treatment.

C) While the required number of courses in marriage and family studies, marriage and family therapy, and human development can be met in a variety of ways, it is mandatory that the following topics be covered:

1) overview of major clinical theories of marital and family therapy that offer conceptualizations and methods for working conjointly with two or more clients present in therapy sessions who are in significant relationships with each other outside the therapy context. These clinical theories shall include those in major textbooks in marriage and family therapy, such as: communications, contextual, behavioral, experiential, object relations, strategic, structural, systemic, and transgenerational;

2) assessment and evaluation of individuals (children, adolescents

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and adults), couples and families;

3) treatment and intervention methods for working with individuals (children, adolescents, and adults), couples, families and groups in therapy;

4) assessment and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology;

5) assessment and treatment of substance abuse, domestic violence and sexual disorders;

6) crisis intervention; and

7) psychopathology and behavior disorders.

de) In evaluating coursework from another jurisdiction, the Board may require documentation such as, but not limited to, an evaluation by a foreign equivalency documentation service indicating that the applicant's graduate program is equivalent to a graduate program in this country.

ed) An individual who has taught a graduate level course in a regionally accredited educational institution in any of the areas listed in subsection (c)(b) above shall receive credit for the course. One course taught is equivalent to one course taken. Repetitive teaching of the same course may only be counted as one course. Syllabi and reading lists shall be submitted in order to obtain credit.

fe) Courses taken at a post-degree institution may count as equivalent for an education requirement of subsection (c)(b) if the institution's training program is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or meets the following requirements:

1) The institution's program is established to achieve coherent mission and training objectives and the program has as its primary objective the training of marriage and family therapists;⁷

2) The specific course submitted as equivalent to those defined in subsection Section-1203-30 (b)(2) is taught by faculty who hold graduate degrees and are trained and credentialed in the field in which they teach.

3) Courses must be offered by an established, identifiable facility or agency.

4) Courses must be ongoing and additive (offered at the same place over a specific period of time and available on an ongoing basis) or offered off site by an acceptable post degree institution with an established, identifiable home-base facility or agency.

5) Courses must include outlines, clear description of content, appropriate bibliography, and other indications or meet generally acceptable criteria for academic offerings.

6) Correspondence courses are not acceptable.

gf) Credit for courses taken pursuant to subsection (f)(e) above will be given on a semester-hour equivalency basis which is 15 classroom hours per semester credit. Evaluation of course work is on a case-by-case basis for each applicant. To receive credit, an applicant must submit

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a syllabus for each course, proof of acceptable completion of the course, and all documentation necessary to demonstrate that the post-degree institution and the specific course meet all the requirements of subsection (f)(e).

- 9) An applicant whose master's or doctorate degree was received on or prior to December 31, 1985, and whose application is postmarked no later than December 31, 1995, may establish equivalency for the education requirement of subsection (b) in the following manner:

- i) Conferences/Workshops/Seminars-Attended-or-Presented-45-contact hours-of-relevant-content-equal-one-3-semester-credit-or-one-4-quarter-credit-course---A-list-of-the-equivalencies-the applicant-wishes-to-be-considered-should-be-organized-by coursework-area-(marriage-and-family-studies-marriage-and-family therapy--human-development-professional-studies-and-research)-include-date7-tittle-course-description-or-brochure--presenter-number-of-hours-attended-presented-and-certificate-of-attendance-
- 2) Publications---For-books-published--submit-a-copy-of-the-title-pager-table-of-contents-and-bibliography---A-chapter-in-a-book-is equivalent-to-one-3-semester-or-4-quarter-credit-course-Applicants-who-author-or-edit-a-book-are-given-credit-equivalent-to-6-semester-credits-or-8-quarter-credits--(2--courses)---For-journal-articles-published-in-a-professional-refereed-journal-submit-the-journal-table-of-contents-and-a-copy-of-the-article-as it-appeared-in-the-journal-including-bibliography---A-journal article-is-equivalent-to-a-3-semester-credit-or-4-quarter-credit course-

- h) A thesis or dissertation completed as a requirement of the first qualifying degree will not be counted as equivalent for an education requirement of subsection (b).

- i) Applicants who hold non-clinical qualifying degrees, or whose practicum/internship was in areas other than marriage and family therapy, may document the practicum requirement with their first 300 post-graduate client contact hours supervised by an American Association for Marriage and Family Therapy Approved Supervisor, supervisor-in-training or a supervisor who meets the requirements set forth in Section 1283.21 of this Part 1283.20(e).

- 1) Approved Comprehensive Programs of Study in Marriage and Family Therapy. The Department, upon recommendation of the Board, shall approve Comprehensive Programs of Study in Marriage and Family Therapy that meet the following requirements:

- 1) The program is offered by an educational department or unit that grants master's or doctoral degrees in marriage and family therapy or in a related field (i.e., behavioral science or mental health) and the educational institution is regionally accredited.

- 2) The program has a faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have degrees in their area(s) of teaching from

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professional colleges and institutions.
The education unit or department has an identifiable body of students who are matriculated in that program for a degree.

- 4) A marriage and family therapist is responsible for the program.

5) The program shall be at least 2 academic years in length at a minimum, and require a minimum of 48 semester hours or equivalent hours of graduate coursework.

- 6) The program shall contain the curriculum listed in subsections (b) and (c) of this Section.

- k) Reevaluation of an Approved Comprehensive Program of Study in Marriage and Family Therapy.

1) The Department may reevaluate any program at any time if it has reason to believe that the Program has failed to continue to satisfy the minimum requirements of this Section or that its decision was based upon false, deceptive or incomplete information.

- 2) The program whose approval is being reevaluated by the Board shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.

3) Every year the faculty person responsible for the program will send the Department an annual report specifying the faculty persons responsible for monitoring student compliance with the program requirements and any changes from the original application in how the program is accomplishing the requirements in subsection (f) including changes in curriculum and/or faculty.

- 1) The Department, upon the recommendation of the Board, has determined that marriage and family therapy programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy as of July 1, 1998, meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended 3 1998 22 Ill. Reg. 16482, effective

Section 1283.50 Application for Examination/Licensure

- a) An applicant for examination shall file an application, on forms supplied by the Department, at least 90 days prior to an examination date. The application shall include:

1) Verification, on forms provided by the Department, that the applicant has completed the education requirements defined in Section 1283.30 and holds one of the following:

- A) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
B) A master's or doctoral degree from a regionally accredited educational institution in a related field (i.e., behavioral

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science or mental health) with an equivalent course of study in marriage and family therapy as set forth in Section 1283.30(b) and (c); or

- C) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy education of the American Association for Marriage and Family Therapy.

- 2) Verification, on forms provided by the Department, signed by an employer or supervisor, that, following the receipt of the first qualifying degree, the applicant obtained at least 3000 hours 2 years of work experience as defined in Section 1283.15 1283.20 of this Part. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work.

- 3) Verification of at least 200 hours of clinical supervision as defined in Section 1283.25 1283.20 of this Part.

- 4) Verification of at least 1000 hours of clinical experience pursuant to Section 1283.20.

- 54) A complete work history since graduation from a master's program.

- 65) The required fee set forth in Section 1283.95 of this Part 55-of the-Act.

- 76) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

- B) A description of the examination in that jurisdiction; and

- C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

- b) An applicant for licensure who has taken and passed the examination set forth in Section 1283.40 in another jurisdiction shall file an application in accordance with subsection (a) above and have his/her examination scores submitted to the Department directly from the testing entity.

- c) In lieu of subsections (a)(1), (2), (3) and (4) above, the Department shall accept certification of clinical membership from the American Association for Marriage and Family Therapy.

- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clean up any discrepancies or conflicts in information.

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(Source: Amended at 22 Ill. Reg. 16488-, effective 09-09-1998)

Section 1283.60 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a marriage and family therapist shall file an application with the Department, on forms provided by the Department, which includes:

- 1) Certification of meeting education requirements as set forth in Section 1283.30 of this Part;

- 2) Certification-of-at-least-2-years-of-professional-work-experience as-set-forth-in-Section-1283.20-of-this-Part;

- 3) Verification-of-200-hours-of-clinical-supervision-as-defined-in-Section-1283.20;

- 2) Verification, on forms provided by the Department, signed by an employer or supervisor, that, following the receipt of the first qualifying degree, the applicant obtained at least 3000 hours of work experience as defined in Section 1283.15 of this Part. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work;

- 3) Verification of at least 200 hours of clinical supervision as defined in Section 1283.25 of this Part;

- 4) Verification of at least 1000 hours of clinical experience pursuant to Section 1283.20;

- 54) Certification of successful completion of the examination set forth in Section 1283.40;

- 65) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and is currently licensed/registered, stating:

- A) The time during which the applicant was licensed/registered;
- B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and

- C) Examination(s) taken and examination score(s) received;
- 76) A complete work history since graduation from a master's program; and

- 87) The required fee as set forth in Section 1283.95 55 of this Part the-Act.

- b) In lieu of subsections (a)(1), (2), (3) and (4) above, the Department shall accept certification of clinical membership from the American Association for Marriage and Family Therapy.

- c) The Department shall either issue a license by endorsement or notify the applicant in writing of the reasons for denying the application.

- d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3

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years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: Amended at 22 Ill. Reg. 16482 effective SEP 03 1996)

Section 1283.70 Renewal

a) The first renewal period for licensure issued under the Act shall be February 28, 1997. Thereafter every registration issued under the Act shall expire in February of odd-numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.

b) Beginning with the 1999 license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a marriage and family therapist shall complete 30 hours of continuing education pursuant to Section 1283.110 of this Part ~~required by Section 45--of the Act.~~

c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 22 Ill. Reg. 16482, effective SEP 03 1996)

Section 1283.100 Professional Conduct

The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 85 of the Act which is interpreted to include, but is not limited to, the following acts or practices:

a) A therapist must not perform, nor pretend to be able to perform, professional services beyond his/her scope of practice. A therapist must not misrepresent credentials, degrees, professional associations, or competencies either through spoken word or written materials. A therapist must immediately retract or correct any misrepresentation. A therapist must correct misrepresentations by third parties as soon as the therapist is informed of the error.

b) A therapist must not permit an intern or trainee under the therapist's supervision to perform, or to pretend to be competent to perform, professional services beyond the trainee's or intern's level of training. Disclosure of the intern's status and the name of the supervisor is required. A waiver of liability signed by the client is required when a marriage and family therapy intern or trainee is treating the client.

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c) Therapists must recognize the potentially influential position they may have with respect to clients, students, employees and supervisees. Therapists must conduct themselves with sensitivity to clients' potential vulnerability. Therapists should avoid exploiting clients' trust and dependency. Therapists must also make every effort to avoid dual relationships with clients during treatment and following termination of therapy. When a dual relationship cannot be avoided, therapists must take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. Examples of dual relationships include but are not limited to close personal friendships, business or other relationships that are used to further a therapist's own interests, or the provision of therapy to students, employees, or supervisees. Sexual intimacy between therapist and client, students or supervisees is prohibited. Sexual intimacy with former clients is prohibited for at least two years after termination of treatment.

d) A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, actual or potential witnesses or complainants in legal or ethical proceedings.

e) A therapist who is convicted of any crime related to his/her qualifications or professional responsibilities may be subject to disciplinary action by the Department. Likewise, a therapist who engages in conduct which could lead to conviction of a crime related to his/her qualifications or professional responsibilities may be subject to disciplinary action.

f) A therapist who becomes impaired and unable to function according to the standards of practice may be subject to disciplinary action if an active practice continues. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems.

g) It is the responsibility of therapists to seek supervision and/or personal therapy for any problem that is interfering with their ability to perform their professional services.

h) A therapist must not subject a client to discrimination based on race, gender, religion, national origin, political affiliation, social or economic status, choice of lifestyle, sexual or affectional orientation.

i) A therapist must inform a client of any conflict of interest, values, attitudes, or biases between them that are sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship. However, it is the therapist's responsibility to terminate the professional relationship when it no longer serves the client's needs or interests. It is the responsibility of the therapist to facilitate termination and to assist in referring the client to another professional. Termination should be handled with care and sensitivity.

j) A therapist has the responsibility to be informed of other

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professional, technical, and administrative resources available to clients. A therapist must utilize those resources and/or refer clients when it is in the best interests of the client.

k) A therapist must make a referral upon client request regardless of administrative and/or funding mandates.

l) A therapist must not allow an individual or agency paying for the professional services to a client to exert undue influence over the therapist's work performance and clinical judgment.

m) A therapist must offer all facts regarding services rendered to the client prior to administration of professional services. The purpose of informed consent is to insure client's complete access to information pertaining to professional services. Examples include, but are not limited to, fees for services, length of treatment and utilization of consultants. The client's signature indicating receipt of pertinent information is strongly encouraged.

n) A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. The therapist must make this known to the client and assist the client in obtaining a referral to another professional.

o) A therapist must hold in confidence all information pertaining to a client's therapy. It is the responsibility of the therapist to safeguard client confidences as required by law. This includes a therapist's employees and professional associates.

p) A therapist must inform a client of the limitations of confidentiality. These limitations include, but are not limited, to:

1) Limitations mandated by the law.

2) The prevention of clear and immediate danger to one or more persons.

3) When the therapist is a defendant in a civil, criminal or disciplinary action arising from the therapy, client confidences may be disclosed in the course of that action.

4) When a written waiver of confidentiality has been obtained, all information revealed must be in accordance with the terms of the waiver. If there is more than one party involved in the therapy, the waiver must be signed by all members legally competent to execute such a waiver.

5) When release of information pertaining to a minor is requested, it must be signed by a parent or guardian.

q) Therapists are responsible to insure that all records and written data are stored using security measures that prevent access to records by unauthorized persons.

r) Therapists are responsible for insuring that the content and disposition of all records are in compliance with all relevant State laws and rules.

s) The Department hereby incorporates by reference the Model Code of Ethics of the Association of Marital and Family Therapy Regulatory Boards, 1993, University Park Office, 1843 Austin Bluffs Parkway, Colorado Springs, Colorado 80918 Department--of--Sociology--B-130

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~~Brackett-Hall, Clemson-South-Carolina--29634-1513~~, with no later amendments or editions.

t) The Department hereby incorporates by reference the AAMFT Code of Ethics, the American Association for Marriage and Family Therapy, 1133 15th Street N.W., Suite 300, #100--17th--Street--NW--19th--Floor--Washington, D.C. 20005-2710 80096-4601, 1991, with no later amendments and editions.

(Source: Amended at 22 Ill. Reg. 16482, effective SEP 03 1998)

Section 1283.110 Continuing Education

a) Continuing Education Hours Requirements

1) Beginning with the 1999 license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a marriage and family therapist shall complete within the prerenewal period 30 hours of continuing education (CE) relevant to the practice of marriage and family therapy.

2) A prerenewal period is the 24 months preceding February 28 of each odd-numbered year.

3) One CE hour shall equal one clock hour.

4) ~~Courses that are part of the curriculum of a university--college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 hours for each quarter hour of school credit awarded.~~

45) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.

56) Marriage and family therapists licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.

b) Approved Continuing Education

1) Continuing education hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below, except for those activities provided in subsection (b)(2), (3) and (4) below.

2) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of marriage and family therapy related courses that are a part of the curriculum of a college, university or graduate school of marriage and family therapy. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 hours for each quarter hour of school credit awarded.

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- 3) CE credit may be earned for verified teaching in a college, university or graduate school of marriage and family therapy approved in accordance with Section 1283.30 and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations).
- 4) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with marriage and family therapy may be claimed as 5 hours of credit. A presentation must be before a professional audience of marriage and family therapists. Five credit hours may be claimed for only the first time the information is published or presented.
- c) Approved CE Sponsors and Programs

- 1) Sponsor, as used in this Section, shall mean the American Association for Marriage and Family Therapy and any other person, firm, association, corporation or group that has been approved and authorized by the Department upon recommendation of the Board to coordinate and present continuing education courses and programs.

- 2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with the fee set forth in Section 1283.95(a)(3) of this Part a--\$500 application--fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee). The application shall include:

A) Certification Certificate:

- i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
- ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
- iii) That upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;
- iv) That each sponsor shall submit to the Department written notice of program offerings 30 days prior to course dates. Notice shall include the description,

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- location, date and time of the program to be offered; B) A copy of a sample program with faculty, course materials and syllabi.
- 3) All programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of marriage and family therapy;
- B) Foster the enhancement of general or specialized work in the practice of marriage and family therapy;
- C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
- D) Specify the course objectives, course content and teaching methods to be used; and
- E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for renewal of a license.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 6) All programs given by approved sponsors shall be open to all marriage and family therapists and not be limited to members of a single organization or group.
- 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- 8) To maintain approval as a sponsor, each sponsor shall submit to the Department by February of each odd-numbered year a renewal application, the fee set forth in Section 1283.95(b)(2) of this Part required--in-Section-55(n)-of-the-Act and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
- 9) Certification of Attendance. It shall be the responsibility of a

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sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

- A) The name, address and license number of the sponsor;
- B) The name address of the participant;
- C) A brief statement of the subject matter;
- D) The number of hours attended in each program;
- E) The date and place of the program; and
- F) The signature of the sponsor.

10) The sponsor shall maintain attendance records for not less than 5 years.

11) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

12) Upon the failure of a sponsor to comply with any one of the foregoing requirements of this Section, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of the sponsor's CE programs until such time as the Department receives assurances of compliance with requirements of this Section.

13) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with the requirements of this Section.

d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.

2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

e) Continuing Education Earned in Other Jurisdictions.

1) If a licensee has earned CE hours offered in another state or territory not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in

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the program or within 90 days prior to after-completion-of-the-CE program-and-prior-to expiration of the license. The Board shall review and recommend approval or disapproval of the program using criteria set forth in subsection (c)(3) of this Section. Applicants may seek individual program approval prior to participating in the program.

2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$10 per CE hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 55(e) and (f) of the Act.

g) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 55(d) of the Act, a statement setting forth the facts concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician;
 - C) A physical inability to travel to the site of approved programs documented by a currently licensed physician; and
 - D) Any other similar extenuating circumstance.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in a good standing until the final decision on the application is made by the Department.

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(Source: Amended at 22 Ill. Reg. 16482 effective SEP 03 1998)

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- 1) Heading of the Part: Respiratory Care Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1456
- 3) Section Numbers: Adopted Action:
1456.70 Amendment
1456.110 Amendment
- 4) Statutory Authority: Respiratory Care Practice Act [225 ILCS 106]
- 5) Effective Date of Rules: September 3, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Rules contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: May 22, 1998, at 22 Ill. Reg. 8756
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Rules replace Emergency Rules currently in effect? Yes
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This is a new profession undergoing its initial licensure. Due to the number of initial applications still undergoing review and awaiting issuance of licenses, the Department is moving back the date of first renewal from April 30, 1999 to October 31, 1999. This also means that continuing education will not be required until the October 31, 2001 renewal (currently April 30, 2001).
- 16) Information and questions regarding this adopted part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786

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217/785-0813 Fax: 217/782-7645

The full text of the Adopted Rules begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1456

RESPIRATORY CARE PRACTICE ACT

Section

- 1456.05 Application for Licensure as a Respiratory Care Practitioner Under Section 50(b) of the Act (Grandfather)
- 1456.10 Definitions
- 1456.20 Approved Respiratory Care Training Program
- 1456.30 Application for Licensure on the Basis of Examination
- 1456.40 Application for Licensure for Graduates from a Nonapproved Program
- 1456.50 Examination
- 1456.60 Endorsement
- 1456.70 Renewals
- 1456.80 Inactive Status
- 1456.90 Restoration
- 1456.100 Unprofessional Conduct
- 1456.110 Continuing Education
- 1456.120 Granting Variances

AUTHORITY: Implementing the Respiratory Care Practice Act [225 ILCS 106] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rule at 21 Ill. Reg. 3730, effective March 11, 1997, for a maximum of 150 days; emergency expired August 7, 1997; adopted at 21 Ill. Reg. 11751, effective August 11, 1997; amended at 22 Ill. Reg. 14503, effective SEP 13 1998.

Section 1456.70 Renewals

- a) The first renewal period for licensure under the Act shall be October 31, April--30, 1999. Thereafter, every license issued under the Act shall expire on October 31, April--30 of odd numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee. Beginning with the October 31, April--30, 2001 renewal and every renewal thereafter, a renewal applicant will be required to complete 24 hours of continuing education as set forth in Section 1456.110 of this Part.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.
- c) Practicing or offering to practice on a license that has expired shall

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be considered unlicensed activity and shall be grounds for discipline pursuant to Section 95 of the Act.

(Source: Amended at 22 Ill. Reg. 16508 effective 10/31/96)

Section 1456.110 Continuing Education

a) Continuing Education Hour Requirements

- 1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of respiratory care required during each prerenewal period. A prerenewal period is the 24 months preceding October 31 April-30 in the year of the renewal.
 - 2) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 3) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
 - 4) A licensee who serves as an instructor, speaker or discussion leader of a CE program will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 12 hours during any renewal period.
 - 5) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 6) Respiratory Care Practitioners licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
 - 7) A renewal applicant shall receive 6 continuing education hours for passage of the Advanced Practitioner, Clinical Simulation or any other NBRC examination beyond entry level. CE credit will not be granted for examinations taken more than once.
- b) Approved Continuing Education
- 1) All continuing education hours must be earned by verified attendance at or participation in a program which is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below.
 - 2) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.
 - 3) Credit shall not be given for courses taken in Illinois from unapproved sponsors.

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c) Continuing Education Sponsors and Programs

1) Approved sponsor, as used in this Section, shall mean:

- A) The American Association for Respiratory Care or its affiliates;
 - B) The Illinois Society for Respiratory Care or its affiliates;
 - C) American Medical Association or the Illinois State Medical Society or its affiliates;
 - D) American Hospital Association or Illinois Hospital Association or its affiliates;
 - E) Illinois Nurses Association or the American Nursing Association or its affiliates;
 - F) American Lung Association or its affiliates; or
 - G) Any other person, firm, association, corporation, or group that has been approved and authorized by the Department pursuant to subsection (c)(2) of this Section upon the recommendation of the Board to coordinate and present continuing education courses or programs.
- 2) Entities seeking a license as a CE sponsor shall file a sponsor application, along with the required fee of \$500. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify to the following:
- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) of this Section and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
 - B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certification of attendance as set forth in subsection (c)(8) below; and
 - C) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this part and that this information is necessary to ensure compliance.
- 3) Each sponsor shall submit a written notice to the Department of a course offering at least 30 days prior to the course date. The notice shall include a course outline and the location, date and time the course is to be offered. The notice shall also contain the credit hours earned upon successful completion of the course.
- 4) Each sponsor shall submit by October 31 April-30 of each odd numbered year a sponsor application along with the a \$250 renewal fee. With the application the sponsor shall be required to submit to the Department a list of all courses and programs

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offered in the prerenewal period, which includes a description, location, date and time the course was offered.

5) Each CE program shall provide a mechanism for written evaluation of the program and instructor by the participants. Such evaluation forms shall be kept for 5 years and shall be made available to the Department upon written request.

6) All courses and programs shall:

- A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of respiratory care;
- B) Provide experiences which contain scientific integrity, relevant subject matter and course materials; and
- C) Be developed and presented by persons with education and/or experience in the subject matter of the program.

7) All programs given by approved sponsors shall be open to all licensed respiratory care practitioners and not be limited to the members of a single organization or a group and shall specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.

8) Certificate of Attendance

A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:

- i) The name and address of the sponsor;
- ii) The name and address of the participant and his/her respiratory care practitioner license number;
- iii) A detailed statement of the subject matter;
- iv) The number of hours actually attended in each topic;
- v) The date of the program;
- vi) Signature of the sponsor.

B) The sponsor shall maintain these records for not less than 5 years.

9) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive credit for time not actually spent attending the program.

10) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board pursuant to the Administrative Hearing Rules (see 68 Ill. Adm. Code 1110) shall thereafter refuse to accept CE credit for attendance at or participation in any of that sponsor's CE programs until such time as the Department receives reasonably satisfactory assurances of compliance with this Section.

d) Continuing Education Earned in Other Jurisdictions

1) If a licensee has earned CE hours in another jurisdiction from a nonapproved sponsor for which he/she will be claiming credit toward full compliance in Illinois, that applicant shall submit

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an application along with a \$20 processing fee prior to taking the program or within 90 days after the renewal date. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.

2) If a licensee fails to submit an out of state CE approval form within the required time, late approval may be obtained by submitting the application with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.

e) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a) above.

2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.

3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

f) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Department a renewal application, the renewal fee set forth in Section 75(d) of the Act, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
- B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician,
 - ii) A physical inability to travel to the sites of approved programs, or
 - iii) Any other similar extenuating circumstances.

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- 3) If an interview with the Board is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the Department's final decision on the application has been made.

(Source: Amended at 22 Ill. Reg. 16508, effective
SEP 03 1998)

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- 1) Heading of the Part: The Professional Engineering Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1380
- 3) Section Numbers: Adopted Action:
1380.210 Amendment
1380.240 Amendment
1380.250 Amendment
1380.270 Amendment
1380.280 Amendment
1380.310 Amendment
- 4) Statutory Authority: The Professional Engineering Practice Act of 1989 [225 ILCS 325].
- 5) Effective Date of Amendments: September 3, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment's, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: June 12, 1998, at 22 Ill. Reg. 10269.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking removes obsolete language and addresses inconsistencies and technical problems, including changing the renewal date from even- to odd-numbered years and requiring foreign-educated engineer interns to pass the Test of English as a Foreign Language (TOEFL) and Test of Spoken English (TSE).
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

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Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, Illinois 62786
 217/785-0813 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1380

THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

Section

- 1380.210 Approved Engineering Program
- 1380.220 Definition of Degree in Basic Engineering or Related Science
- 1380.230 Approved Experience
- 1380.240 Application for Enrollment as an Engineer Intern by Examination
- 1380.250 Application for Licensure as a Professional Engineer by Examination
- 1380.260 Examination
- 1380.270 Restoration
- 1380.280 Endorsement
- 1380.285 Inactive Status
- 1380.290 Professional Design Firm
- 1380.300 Standards of Professional Conduct
- 1380.305 Professional Engineer Complaint Committee
- 1380.310 Renewals
- 1380.320 Granting Variances

APPENDIX A

Significant Dates for the Administration of Section 19 of the Act - Endorsement

AUTHORITY: Implementing the Professional Engineering Practice Act of 1989 [225 ILCS 325] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Professional Engineering Act, effective March 10, 1976; codified at 5 Ill. Reg. 11055; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; Part repealed at 9 Ill. Reg. 10038, effective June 18, 1985; new Part adopted at 9 Ill. Reg. 10040, effective June 18, 1985; amended at 10 Ill. Reg. 19507, effective November 5, 1986; amended at 11 Ill. Reg. 8767, effective April 20, 1987; recodified from Chapter I, 68 Ill. Adm. Code 380 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1380 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2942; amended at 14 Ill. Reg. 247, effective December 28, 1990; amended at 15 Ill. Reg. 17729, effective November 26, 1991; amended at 16 Ill. Reg. 15553, effective September 28, 1992; amended at 18 Ill. Reg. 14737, effective September 19, 1994; amended at 19 Ill. Reg. 16076, effective November 17, 1995; amended at 20 Ill. Reg. 6477, effective April 25, 1996; amended at 21 Ill. Reg. 13839, effective October 1, 1997; amended at 22 Ill. Reg. 16518, effective September 13, 1998.

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Section 1380.210 Approved Engineering Program

a) The Department of Professional Regulation shall, upon the recommendation of the State Board of Professional Engineers (the Board), approve an engineering program as reputable and in good standing if it meets the following minimum criteria:

1) The educational institution is legally recognized and authorized by the jurisdiction in which it is located to confer a baccalaureate degree in engineering.

2) Faculty

A) The faculty shall have a sufficient number of full-time, or full-time equivalent, instructors to make certain that the educational obligations to the student are fulfilled. A program at the basic level shall have no fewer than 3 full-time faculty members whose primary commitment is to that program. If an institution relies on part-time faculty members, it shall demonstrate that, in addition to the commitment of at least 3 full-time equivalent faculty members, effective mechanisms are in place to provide adequate levels of student advising and faculty interaction, and faculty control over the curriculum.

B) The faculty shall have demonstrated competence in their area of teaching as evidenced by appropriate degrees from professional colleges or institutions. Other evidence of faculty capability includes non-academic engineering experience, experience in teaching, ability to communicate effectively, participation in professional, scientific and other learned societies, licensure as a professional engineer and an interest in students' curricular activities.

C) Teaching loads shall allow time for research and professional development activities. Stimulation of students' minds requires faculty involvement in scientific and technological development and in instructional innovation.

3) Curriculum

A) The curriculum shall include at least 4 academic years leading to the awarding of the baccalaureate degree while providing integration of the educational experience with the ability to apply the knowledge gained to the identification and solution of practical problems.

B) The overall curriculum shall include a minimum of 120 semester hours or their equivalent (e.g., 180 quarter hours) and shall include at least the following subjects:

Mathematics (beyond trigonometry) - 15 hours.

Basic Sciences (Physics/Chemistry) - 15 hours.

Engineering Sciences - 30 hours.

Engineering Design - 15 hours.
Humanities/Social Sciences - 15 hours.

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C) Mathematics shall be beyond trigonometry, and include differential and integral calculus, and differential equations at the baccalaureate level. Mathematics shall also include, but shall not be limited to, the study of probability, statistics, numerical analysis and advanced calculus. Courses in computer usage and/or programming shall not be used to satisfy the mathematics requirement.

D) Basic sciences shall include basic physics and chemistry and may also include life sciences, earth sciences and/or advanced physics and chemistry, as appropriate to the engineering discipline being studied.

E) Engineering sciences have their roots in mathematics and basic sciences but carry the knowledge toward creative application. Such subjects include, but are not limited to, mechanics, thermodynamics, electric and electronic circuits, material science and other subjects depending upon the engineering discipline.

F) Engineering design involves the conversion of resources to predetermined objectives. Course requirements shall include the establishment of objectives and criteria, synthesis, analysis, construction, testing and evaluation which develop student creativity through open-ended problems and consideration of alternative solutions. The inclusion of realistic constraints, such as economic factors, safety, aesthetics, ethics and social impact is appropriate. Examples of subjects in these areas include design of circuits, machines, power networks, process equipment and systems and water treatment.

G) Humanities and social sciences are, respectively, the branches of knowledge that concern man and his culture, and that concern individual relationships in and to society. Examples of subjects in these areas are philosophy, history, literature, fine arts, religion, sociology, psychology, political science, economics and foreign languages (other than a student's native language). Non-traditional courses might include social responsibility and professional ethics. Subjects such as accounting and management may be acceptable engineering electives, but do not satisfy the objectives of this area.

H) Laboratory experience is essential to an engineering education at both theoretical and practical levels.

I) Computer-based experience shall be included in the program of each student. The program shall include technical computations, problem solving, data acquisition and usage, process control and computer-assisted design. The student shall have access to computational facilities in order to integrate these techniques into the program.

J) The program shall require that the student demonstrate

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competency in both written and oral communication.

K) An understanding of ethical, social, economic and safety considerations shall be included in the engineering program.

L) For those institutions that elect to prepare a student to enter the profession at the advanced level, the curriculum shall satisfy the criteria set forth in this Section at the basic level, and shall include at least one year of additional study. That year shall include at least 2/3 of a year of advanced mathematics, basic sciences, engineering sciences and engineering design. Of this component, at least 1/3 of a year shall be devoted to engineering design. The program shall be designed toward a meaningful individual course of study and include thesis, research and/or special projects.

4) Facilities

- A) The laboratory facilities shall reflect the requirements of the offered educational program. The laboratory should provide for individual project work by the students and the faculty. The facilities shall be equipped with instruments and scientific equipment of a kind and quality to ensure the effective functioning of the laboratory.
- B) The libraries in support of the engineering program shall be both technical and nontechnical, to include books, journals and other reference material for collateral reading in connection with the instructional and research programs and professional work. The library collection shall reflect the existence of an active acquisition policy; this policy shall include specific acquisitions on the request and recommendation of the faculty of the engineering program. There shall be computer-accessible information centers and inter-library loan services for both books and journals. The library collections, whether centralized or decentralized, shall be readily available for use with the assistance of trained library staff, or through an open-stack arrangement, or both.
- C) There shall be computer facilities accessible to the engineering students and faculty.
- 5) The institution shall maintain permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- b) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation by the Accreditation Board for Engineering and Technology (ABET).
- c) The Department, upon the recommendation of the Board, has determined that all engineering programs accredited by or determined equivalent by the Engineering Accreditation Commission of ABET meet the minimum criteria set forth in subsection (a), above, for an approved engineering program and are, therefore, approved. **Engineering**

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~~programs--determined--equivalent--by--the--Engineering--Accreditation Commission--of--ABET--include--but--are--not--limited--to--those--accredited by:~~

- ~~1) The Canadian Engineering Accreditation Board--of--the--Canadian Council--of--Professional--Engineers;~~
- ~~2) The Engineering Council--(United--Kingdom--with--certain--Chartered Engineering Institutions);~~
- ~~3) The Institution of Engineers--of--Ireland;~~
- ~~4) The Institution of Engineers--Australia--and~~
- ~~5) The Institution of Professional Engineers--New Zealand;~~

d) Withdrawal of Program Approval

- 1) The following are grounds for withdrawal of approval of an engineering program or a program leading to a degree in basic engineering.
 - A) Non-compliance with any provisions of the Professional Engineering Practice Act of 1989 [225 ILCS 325] (the Act);
 - B) Non-compliance with any provision of this Part;
 - C) Fraud or dishonesty in furnishing documentation for evaluation of the program; or
 - D) Failure to continue to meet the criteria of an approved program as set out in this Section.

- 2) If the Board has reason to believe there has been any fraud or dishonesty in the furnishing of any documentation for the evaluation of a program on the part of any licensee, it shall refer such matter to appropriate Department personnel for any disciplinary action which might be appropriate under the Act.

- 3) A program whose approval is being reconsidered by the Department shall be given 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.

- e) Evaluation of Newly Submitted Programs
 - 1) An educational institution with a program that has not been evaluated will cause to be forwarded to the Department documentation concerning the criteria in this Section.
 - 2) Once the Department has received the documentation or after 6 months have elapsed from the date of application, whichever is later, the Board will evaluate the program based on all documentation received from the school and any additional information the Department has received which will enable the Board to evaluate the program based on the criteria specified in this Section.

- f) For purposes of Section 12(c)(1) of the Act, an approved graduate engineering program shall:
 - 1) Grant a Doctor of Philosophy or Doctor of Science degree;
 - 2) Be in a curriculum from an institution with an engineering program which has at least one curriculum for a baccalaureate degree that is approved in accordance with Section 1380.210(a) of this Part; and

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- 3) Include the following minimum requirements:
- A) Completion of at least 64 semester hours, or 96 quarter hours, including hours earned toward the master's degree requirements.
 - B) Passing of a preliminary examination.
 - C) Completion of at least an additional 32 semester hours, or 48 quarter hours of thesis research.
 - D) Passing of a final examination.

(Source: Amended at 22 Ill. Reg. 16516, effective SEP 03 1998)

Section 1380.240 Application for Enrollment as an Engineer Intern by Examination

- a) An applicant for enrollment as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include:

- 1) Either:
 - A) Completed college certification form showing receipt of a baccalaureate degree from an approved engineering program as set forth in Section 1380.210 of this Part; or
 - B) Completed college certification form showing receipt of a baccalaureate degree in basic engineering or related science evidenced by an official transcript of educational credit, and verification of at least 4 years of experience on form(s), completed by the supervisor.
 - i) An applicant shall have acquired the experience required by this Section prior to applying to the Department;
 - ii) Applicants who received their education in a foreign country shall have the education evaluated, at their expense, by the American Association of Collegiate Registrars and Admissions Officers, Office of International Education. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act is separate from the detailed institutional review conducted to determine that the curriculum meets the requirements of Section 1380.210. The review of the transcripts by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1). The Board will review the transcripts and evaluation submitted to the Department to determine if the education meets the requirements set

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forth-in-Section-1380-220;

- 2) The required fee specified in Section 20 of the Act;
- 3) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university;
- 4) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act;
- 5) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.
- b) An applicant in an approved engineering program shall be eligible to be seated for the first available Fundamentals of Engineering examination during the 12 months prior to graduation if the applicant provides a certification stating that he/she is expected to graduate by the end of that 12 month period. The applicant shall be allowed to retake the examination during that 12 month period if he/she fails on the first attempt. However, an applicant who passes the Fundamentals of Engineering examination prior to graduation will not be enrolled as an Engineer Intern until the Department has received certification of graduation, as required by subsection (a)(1)(A), above. If certification of graduation is not received within one year after the first examination is taken, the results of the examination(s) will be void and the examination will have to be retaken.
- c) Upon receipt of the application and all supporting documentation in complete order:
 - 1) Persons with degrees from an approved engineering program will be notified of their eligibility to register for Part I of the examination;
 - 2) The files of persons with degrees in basic engineering or related science will be presented to the Board for evaluation of the required experience and education based on the criteria specified in Sections 1380.220 and 1380.230. Once the applications have been approved, those persons will be notified of their eligibility to register for Part I of the examination, examination filing deadline and the required examination fee as provided for in Section 20 of the Act.

(Source: Amended at 22 Ill. Reg. 16516, effective SEP 03 1998)

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Section 1380.250 Application for Licensure as a Professional Engineer by Examination**a) Applicant enrolled as an Engineer Intern**

- 1) An applicant shall have acquired all experience required by Section 1380.240 prior to making application to the Department.
- 2) An applicant for licensure as a professional engineer who is enrolled as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 8 of the Act, the following:

A) Experience verification form(s) completed by the supervisor, indicating the required 4 years of experience earned. For Engineer Interns enrolled with a degree in basic engineering or related science, experience verification forms shall be completed for the entire 8 years of required experience.

B) For persons who were certified or enrolled as an Engineer Intern or Engineer-in-training in another state or territory:

- i) A certification of such enrollment from the appropriate state board, including the date of the examination; and
- ii) Completed college certification form showing degree received and, if the degree was not received from an approved engineering program, an official transcript of educational credit.

iii) Applicants who received their education in a foreign country shall have the education evaluated at their expense. The applicant shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1).

iv) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score 550 and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the

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applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.

C) The required fee specified in Section 20 of the Act.

D) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university.

E) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act.

3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of the required education and experience as specified in Sections 1380.210, 1380.220 and 1380.230. Once the application has been approved, those persons will be notified of their eligibility to register for Part II of the examination, examination filing deadline and the required examination fee as provided for in Section 20 of the Act.

b) Applicant not enrolled as an Engineer Intern

1) An applicant shall have acquired all experience as required in Section 1380.240 prior to making application to the Department.

2) An applicant for registration as a professional engineer who is not enrolled or certified as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 8 of the Act, the following:

A) Education:

- i) A degree from an approved Engineering Program. Completed college certification form showing receipt of a baccalaureate degree from an approved engineering program, and completed experience verification form(s) completed by the supervisor, indicating the required 4 years of experience; or

ii) A degree in Basic Engineering or Related Science. Completed college certification form showing receipt of a baccalaureate degree in basic engineering or related science; an official transcript of educational credit; and completed experience verification form(s) completed by the supervisor, indicating the required 8 years of experience.

iii) Applicants who received their education in a foreign country shall have the education evaluated at their expense by the American Association of Collegiate Registrars and Admissions Officers, Office of International Education. The applicant shall obtain

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the forms from the National Council of Examiners for Engineers (NCERS), P.O. Box 1646, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1). The Board will review the evaluation submitted to the Department to determine if the education meets the requirements set forth in Section 1380.220.

- B) The required fee specified in Section 20 of the Act.
- C) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university.
- D) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act.
- E) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score 550 and Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.
- 3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of education and required experience as specified in Sections 1380.210, 1380.220 and 1380.230. Once the application has been approved, those persons will be notified of their eligibility to register for both Part I and Part II of the examination, examination filing deadline, and the required examination fee as provided for in Section 20 of the Act.

(Source: Amended at 22 Ill. Reg. 16516, effective SEP 8 1998)

Section 1380.270 Restoration

- a) A licensee seeking restoration of a ~~his~~ license which has expired for ~~less than~~ 5 years or less shall have the ~~his~~ license restored upon application to the Department and payment of the required fees

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- specified in Sections 17 and 20 of the Act.
- b) A licensee seeking restoration of a ~~his~~ license which has been placed on inactive status for ~~less than~~ 5 years or less shall have his certificate restored upon application to the Department and payment of the current renewal fee specified in Sections 17 and 20 of the Act.
- c) A licensee seeking restoration of a ~~his~~ license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department for review by the Board, together with the fee required by Sections 17 and 20 of the Act. The licensee shall also submit either:
- 1) Sworn evidence of active practice in another jurisdiction for at least the last 2 years. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
 - 2) An affidavit attesting to military service as provided in Section 17 of the Act. If application is made within 2 years of discharge, and if all other provisions of Section 17 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees;
 - 3) Proof of passage of Part II of the examination provided in Section 1380.260 within the 5 years preceding restoration; or
 - 4) Other evidence of continued competence in professional engineering. Other evidence shall include, but not be limited to:
 - A) Employment in a responsible capacity by a licensed professional engineer as determined by the Board;
 - B) Lawfully practicing professional engineering as an employee of a governmental agency;
 - C) Teaching professional engineering in a college or university; or
 - D) Attendance at educational programs in professional engineering or a related field, including, but not limited to, attendance at graduate level engineering courses, professionally oriented continuing education classes or special seminars.
- d) When the accuracy of any submitted documentation, of the relevance or sufficiency of the course work or experience is questioned by the Department because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of his license will be requested to:
- 1) provide such information as may be necessary; and/or
 - 2) explain such relevance or sufficiency during an oral interview; or
 - 3) appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon recommendation of the Board, and approval by the Director, an

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applicant shall have his license restored or will be notified of the reason for the denial of such application for restoration.

e) If an applicant is denied restoration under subsection (c)(4), the applicant's license may be restored by taking and passing Part II of the examination as provided in Section 1380.260.

(Source: Amended at 22 Ill. Reg. 16516, effective SEP 03 1996)

Section 1380.280 Endorsement

a) Any person who holds an unexpired certificate of registration or license to practice professional engineering, issued under the laws of another state or territory of the United States or the District of Columbia and who desires to become licensed by endorsement shall file an application, on forms provided by the Department, together with:

1) The required fee specified in Section 20 of the Act.

2) Proof of meeting requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by examination in the other jurisdiction, including certification of education, and verification of experience.

3) A certification by the jurisdiction of original licensure and certification of current licensure from the jurisdiction of predominant active practice including the following:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) The basis of licensure and a description of all licensure examinations by which the applicant was licensed in that jurisdiction and the date of successful passage of such examinations; and

C) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant.

4) A complete work history, on forms provided by the Department.

5) If the qualifications of the applicant at the time of original licensure did not meet the requirements in effect at that time for licensure in this State, the applicant may submit additional certifications from other jurisdictions to indicate meeting the qualifications in effect in this State at the time of any later licensure.

6) In lieu of the documentation specified in subsections (a)(2), (3) and (5) above, an applicant may submit a current Council Record and Certificate of Verification from NCEES.

7) Applicants who received their education in a foreign country and who were originally licensed in another jurisdiction after January 1, 1996, shall have the education evaluated, at their expense, by the American Association of College Registrars and

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~~Admissions---Officers---Office---of---International---Education.~~
 Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act is separate from the detailed institutional review conducted to determine that the curriculum meets the requirements of Section 1380.210. The review of the transcripts by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1). ~~The Board will review the transcripts and evaluation submitted to the Department--to determine if the education meets the requirements set forth in Section 1380-220.~~

8) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score 550 and the Test of Spoken English (TSE) with a score of 50 for applicants originally licensed after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program which the applicant graduated was taught in English.

9) The Department may, in individual cases, upon the recommendation of the Board, waive a portion of the examination requirements after consideration of the quality of an applicant's engineering education and experience, including whether he has graduated from an approved engineering program, has achieved special honors or awards, has had articles published in professional journals, has participated in the writing of textbooks relating to professional engineering, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in the practice of professional engineering.

10) Acceptable Experience

A) Applicants for endorsement having obtained the following acceptable experience, in accordance with Section 1380.230, prior to taking the Principles and Practice of Engineering Examination shall be considered in compliance with the experience requirements of Section 10 of the Act:

i) Under Section 10(a) of the Act, at least 3 years and 9 months of acceptable experience after receipt of the baccalaureate degree, or

ii) Under Section 10(b) of the Act, at least 7 years and 9 months of acceptable experience after receipt of the baccalaureate degree.

B) Applicants not meeting the requirements of subsection (a)(10)(A) at the time of original or subsequent examination shall retake the Principles and Practice of Engineering Examination after meeting the necessary requirements.

11) Appendix A of this Part outlines the licensure requirements in

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force during various periods and should be consulted by the applicant to aid in the evaluation of his/her qualifications.

- b) The Department shall examine each endorsement application to determine whether the qualifications of the applicant at the time of original or subsequent licensure were substantially equivalent to the requirements then in force in this state. The Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.250.

- c) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board, because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking a license will be requested to:

- 1) Provide such information as may be necessary;
- 2) Appear for an oral interview(s) before the Board; and/or
- 3) Applicants who were licensed prior to January 1, 1996, upon review of the educational requirements may be required to have their education evaluated at their expense as set forth in subsection (a)(7).

- d) The Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.250.

(Source: Amended at 22 Ill. Reg. 16516, effective SEP 03 1998)

Section 1380.310 Renewals

- a) Every license issued to an individual under the Act shall expire on November 30 of each odd ~~even~~ numbered year. The holder of a license may renew such license for a two-year period during the month preceding the expiration date thereof by paying the fee required by Section 20 of the Act.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.
- c) Every license issued to a corporation or partnership under the Act shall expire on April 30 of each odd-numbered year. The holder of such license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the required fee.
- d) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for

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discipline pursuant to Section 24 of the Act.

(Source: Amended at 22 Ill. Reg. 16516, effective SEP 03 1998)

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Practice and Procedure for Hearings Before the Property Tax Appeal Board

2) Code Citation: 86 Ill. Adm. Code 1910

3) Section Numbers:
 1910.30 Adopted Action:
 1910.40 Amended
 1910.50 Amended

4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195

5) Effective Date of Amendments: September 2, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporation by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Rules was Published in the Illinois Register: February 20, 1998, at 22 Ill. Reg. 3718

10) Has JCAR issued a Statement of Objections to these amendments? Yes

11) Differences between proposal and final version: There were changes made between the proposal and the final version. The agency has elected to amend Section 1910.50(c) by reinserting the stricken language in subsections (c)(2) and (c)(2)(A); deleting the inserted language in subsection (c)(2); and adding subsection (3) which will read as follows:

3) In Cook County, for all other classes of property, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider competent evidence admitted pursuant to this Part, if any, which is relevant to the level of assessment applicable to the subject property under the Illinois Constitution, the Illinois Property Tax Code, and the Cook County Real Property Assessment Classification Ordinance, as amended.

The agency has also elected to amend Section 1910.30(k) by changing the number of days from 20 to 30 for the resubmission of a petition which was returned for being incomplete.

12) Have all changes agreed upon by the agency and JCAR been made as indicated

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

in the agreement letter issued by JCAR? Yes

13) Will these amendments replace Emergency Amendments currently in effect?
 No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

Section 1910.30 Petitions - Applications: This Section is amended to require parties in every case where a change in assessed valuation of less than \$100,000 is sought to submit all written documentary evidence in duplicate with the petition. In an appeal where a change in assessed valuation of \$100,000 or more is sought, all written or documentary evidence must be submitted in triplicate with the petition.

Section 1910.40 - Board of Review Response to Petition Application: This Section is also amended to require the board of review in every case where a change in assessed valuation of less than \$100,000 is sought to submit all written documentary evidence in duplicate. In an appeal where a change in assessed valuation of \$100,000 or more is sought, all written or documentary evidence must be submitted in triplicate. Subsection (f) is also amended by substituting the word "case" for the word "petition". This was done so the language of the rules will mirror the corresponding Section of the Property Tax Code [35 ILCS 16-180].

Section 1910.50 - Determination of Appealed Assessment: This Section is amended to allow the Board to consider competent evidence, in Cook County for classes of property other than class 2, admitted pursuant to this Part, if any, which is relevant to the level of assessment applicable to the subject property under the Illinois Constitution, the Illinois Property Tax Code, and the Cook County Real Property Assessment Classification Ordinance, as amended.

16) Information and questions regarding this amended part shall be directed to:

James W. Chipman - Executive Director
 Property Tax Appeal Board
 Rm. 402, Stratton Office Building
 401 S. Spring St.
 Springfield, Illinois 62706
 (217) 782-6076

The full text of the Proposed Amendments begins on the next page:

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 86: REVENUE
CHAPTER II: PROPERTY TAX APPEAL BOARDPART 1910
PRACTICE AND PROCEDURE FOR HEARINGS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section	
1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.20	Correspondence
1910.25	Computing Time Limits
1910.30	Petitions - Application
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.60	Interested Parties - Intervention
1910.63	Burdens of Proof
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
1910.75	Access to Board Records - Freedom of Information Procedures
1910.76	Publication of Annual Synopsis
1910.80	Forms
1910.90	Practice Rules
1910.95	Separability

AUTHORITY: Implementing and authorized by the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective SEP 02 1998.

Section 1910.30 Petitions - Application

- a) Petitions for appeal shall be filed within 30 days after the postmark date or personal service date of written notice of the decision of the board of review (see Section 12-50 of the Code). Petitions sent by mail shall be considered as filed on the date postmarked. Faxed petitions and evidence will not be accepted by the Board.
- b) Petitions for appeal shall be filed within 30 days after the postmark

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date or personal service date of written notice of the application of final adopted township equalization factors by the board of review. Petitions sent by mail shall be considered as filed on the date postmarked. Faxed petitions and evidence will not be accepted by the Board.

- c) The petition for appeal shall be on the prescribed form and a separate petition must be filed for each separately assessed parcel except for condominium buildings or unless a written request is made to the Board for the filing of a single petition for multiple parcels. Such request, together with the petition, shall be filed within 30 days after the postmark date or personal service of written notice of the decision of the board of review. Each petition shall identify and describe the particular property including the PIN or plate number, if any, assigned to the subject parcel by the county. In appeals where multiple parcels are consolidated into a single petition, the assessed values and the relief requested for each individual parcel must be separately listed.
- d) Each copy of petitions filed with the Property Tax Appeal Board shall bear an original signature of the contesting party or his attorney, and shall be filed with the Clerk of the Property Tax Appeal Board.
- e) A copy of the written notice of the decision of the board of review shall be filed with the petition, if one has been issued.
- f) Petitions for appeal shall be filed in triplicate and all copies of the same shall be properly signed as stated in subsection (d) of this Section. In every case where a change in assessed valuation of less than \$100,000 is sought, all written and documentary evidence must be submitted in duplicate with the petition. In every case where a change in assessed valuation of \$100,000 or more is sought, all written and documentary evidence must be submitted in triplicate with the petition. All written and documentary evidence must be submitted in duplicate with the petition. A photograph of the subject property should be submitted with the petition if it aids the contesting party in explaining the appeal.
- g) If the contesting party is unable to submit written or documentary evidence with the petition, he must submit a letter requesting an extension of time with the petition. Upon receipt of such a request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may include but is not limited to the inability to submit evidence for a cause beyond the control of the contesting party, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the petition is filed. Evidence sent by mail shall be considered as filed on the date postmarked.
- h) Every petition for appeal shall state the facts upon which the contesting party bases his objection to the decision of the board of review, together with a statement of the contentions of law which he

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desires to raise. Each petition must also set forth the assessment for the subject property which the contesting party considers to be correct. If contentions of law are raised, the contesting party shall submit a brief in support of his position with the petition. Extensions of time shall be granted in accordance with subsection (g) of this Section. Failure to do so shall result in dismissal of the appeal.

i) Every petition for appeal shall give the post office address where mail addressed to the contesting party may be received by him or his attorney, together with his telephone number. The Property Tax Appeal Board must be notified in writing by any party of a change of address within 60 days of any such change.

j) The petition shall in all cases state the assessed value of the land, and the assessed value of the improvements (structures), and the total assessed value as placed on the property by the local assessor and by the board of review. The petition must also state the assessed valuation which the contesting party claims to be correct.

k) All information required to fully complete the petition shall be furnished by the contesting party at the time the petition is filed. Incomplete petitions and/or a letter shall be returned with an explanation of the reasons for the rejection. The contesting party must resubmit the corrected petition within 30 days after the date of the return of the petition. If the returned petition is not resubmitted within the 30 day period, the appeal will be dismissed from consideration by the Board. Petitions which are not signed, petitions which do not state the assessed valuation assigned by the local assessor and the board of review, petitions which do not state the assessed valuation considered correct by the contesting party, and petitions not containing all information as required herein, shall be treated as incomplete petitions. Written or documentary evidence will be accepted after receipt of a completed petition only when a letter requesting an extension of time was received and granted.

l) Upon receipt of a completed petition, including the written and documentary evidence from the contesting party, the Clerk of the Property Tax Appeal Board shall send a copy of the petition to the board of review and to the State's Attorney of the county in which the property is located. The Clerk shall cause the petition to become a part of such appeal proceedings and record.

m) If the petition for appeal is filed by an interested taxing body, rather than by the taxpayer whose assessment is in question, the taxing body must furnish the name and address of the owner of the property in question. A copy of such completed petition shall then be sent to the owner of the property. Any petition filed without the name and address of the owner of the property in question shall be treated as an incomplete petition in accordance with subsection (k) of this Section.

(Source: Amended at 22 Ill. Reg.

16533

, effective

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SEP 02 1998

Section 1910.40 Board of Review Response to Petition Application

a) Upon receipt of the completed petition from the contesting party, the Clerk of the Property Tax Appeal Board shall notify the board of review of the filing of the appeal. Upon notification of the filing of the appeal, the board of review shall submit its completed Board of Review Notes on Appeal disclosing the final assessment of the subject property. The board of review Notes on Appeal shall also reflect the application of a local township multiplier where applicable. The board of review shall also submit a copy of the property record card of the subject property. The property record card should contain, where possible, a schematic drawing of all structural improvements to the land, a completed cost analysis, and an indication of the basis of the land value. The Board of Review Notes on Appeal and all written and documentary evidence supporting the board of review's position must be submitted to the Property Tax Appeal Board within 30 days after the date and/or postmark of the notice of the filing of an appeal unless the board of review objects to the jurisdiction of the Property Tax Appeal Board over the assessment appeal. In every case where a change in assessed valuation of less than \$100,000 is sought, all written and documentary evidence must be submitted in duplicate. In every case where a change in assessed valuation of \$100,000 or more is sought, all written and documentary evidence must be submitted in triplicate.

b) If the board of review objects to the Board's jurisdiction, it must submit a written request for dismissal of the petition prior to the submission of the Board of Review Notes on Appeal and accompanying documentation. The request for dismissal must set forth the basis of the board of review's objections to the Property Tax Appeal Board's jurisdiction over the appeal. In such cases, the Property Tax Appeal Board shall transmit a copy of the request for dismissal to the contesting party and secure a written response to the request for dismissal from the contesting party within 30 days after the postmark date of the notice of the filing of the motion to dismiss. A copy of the response shall be transmitted to the board of review. Upon receipt of the request for dismissal and the response, the Property Tax Appeal Board shall issue a decision determining if it has jurisdiction in the matter.

c) If the board of review objects to the Board's jurisdiction and Property Tax Appeal Board subsequently determines that it has jurisdiction over the parties and the subject matter of the appeal, the board of review shall submit Board of Review Notes on Appeal, the subject's property record card and all written and documentary evidence within 30 days after the Board's decision determining jurisdiction.

d) If the board of review is unable to submit the additional written or

PROPERTY TAX APPEAL BOARD

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documentary evidence with the Notes on Appeal, it must submit a letter requesting an extension of time with the Board of Review Notes on Appeal. Upon receipt of such a request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may be the inability to submit evidence for a cause beyond the control of the board of review, such as, but not limited to, the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the Board of Review Notes on Appeal is filed.

- e) The Clerk shall cause such assessment record to become a part of such appeal proceeding and record, and shall send a copy of the same to the contesting party or his attorney.
- f) Pursuant to Section 16-180 of the Property Tax Code, in every case petition for appeal where a change in assessed valuation of \$100,000 or more is sought, the board of review shall serve a copy of the petition filed with the Property Tax Appeal Board upon receipt of the same on all taxing districts as shown on the last available tax bill. The board of review shall also serve a certificate of service on the Property Tax Appeal Board affirming that all taxing districts have received notification of the appeal. The certificate of service shall be signed by a member of the board of review or the clerk of the board of review.

(Source: Amended at 22 Ill. Reg. **16533**, effective **SEP 02 1998**)

Section 1910.50 Determination of Appealed Assessment

- a) All proceedings before the Property Tax Appeal Board shall be considered de novo which shall mean that the Property Tax Appeal Board will consider only the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review or any submissions not timely filed or not specifically made a part of the record. (Section 16-180 of the Code)
- b) By statute, the Property Tax Appeal Board may accept into the record all evidence, exhibits and briefs submitted by all interested parties and render a decision without holding a hearing. On its own motion, the Board may order a hearing to be held at a time and place designated by the Board. A hearing shall be granted if any party to the appeal submits a request in writing. (Section 16-170 of the Code)
- c) The decisions of the Property Tax Appeal Board will be based on equity and the weight of the evidence.

- 1) In all counties other than Cook, a three-year county wide assessment level to be based on relevant sales during the previous three years as certified by the Department of Revenue will be considered where sufficient probative evidence is

PROPERTY TAX APPEAL BOARD

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presented indicating the estimate of full market value of the subject property on the relevant real property assessment date of January 1.

- 2) In Cook County, for residential property of six units or less currently designated as Class 2 real estate according to the Cook County Real Property Assessment Classification Ordinance, as amended, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider evidence of the appropriate level of assessment for property in that class. Such evidence may include:

- A) the Department of Revenue's annual sales ratio studies for Class 2 property for the previous three years; and
- B) competent assessment level evidence, if any, submitted by the parties pursuant to this Part.

- 3) In Cook County, for all other classes of property, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider competent evidence admitted pursuant to this Part, if any, which is relevant to the level of assessment applicable to the subject property under the Illinois Constitution, the Illinois Property Tax Code, and the Cook County Real Property Assessment Classification Ordinance, as amended.

- d) Whether a hearing is held in the appeal proceeding, the proceeding before the Property Tax Appeal Board shall be terminated when the Board renders a decision. The Board may revise and/or correct a decision upon its own initiative at any time prior to the expiration of the Administrative Review filing period as provided in Section 16-195 of the Property Tax Code if a mistake in the calculation of an assessment or other clerical error is discovered. In such event, the Board shall issue an amended decision. The decision or order of the Property Tax Appeal Board in any such appeal shall, within 10 days after it is made and entered, be certified to every party to the proceeding and to the proper authorities, including the board of review whose decision was appealed, the County Clerk who extends taxes upon the assessment in question, and the County Collector (Treasurer) who collects property taxes upon such assessment.
- e) A majority of the Members of the Board is required to make a decision of the Board.

- f) Final administrative decisions of the Property Tax Appeal Board are subject to review under the provisions of the Administrative Review Law [735 ILCS 5/Art. III] and Section 16-195 of the Property Tax Code [35 ILCS 200/16-195].

- g) The required number of copies of all documents in an appeal file necessary to complete the certification of the Property Tax Appeal Board proceedings in answer to a complaint for Administrative Review will be prepared by the Property Tax Appeal Board at a cost to the

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plaintiff of \$.25 per page, except for pages of the original transcript which will have a cost of \$.75 per page, and for pages larger than legal size which will have a cost of \$1.00 per page. (Section 16-195 of the Code) From the original certification of proceedings, which will be filed with the Clerk of the Circuit Court, copies of the proceedings will be prepared and forwarded to the Attorney General, State's Attorney, and the plaintiff in the Administrative Review and one copy will be retained as a permanent record for the Property Tax Appeal Board. An estimate of the cost of preparing a certified record will be mailed to the plaintiff. Upon receipt of the necessary payment, the Property Tax Appeal Board will prepare certification of the proceedings.

- h) If a petition is filed by a taxpayer with the Property Tax Appeal Board, the taxpayer is precluded from filing objections based upon valuation in the Circuit Court as may otherwise be permitted by Sections 21-175 and 23-5 of the Property Tax Code. (Section 16-160 of the Code)
- i) If a taxpayer files objections based upon valuation in the Circuit Court as permitted by Sections 21-175 and 23-5 of the Property Tax Code, the taxpayer is precluded from filing a petition contesting the assessment of the subject property with the Property Tax Appeal Board. (Section 16-160 of the Code)
- j) If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review or after adjournment of the session of the board of review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of the written notice of the Property Tax Appeal Board decision, appeal the assessment for such subsequent year directly to the Property Tax Appeal Board. (Section 16-185 of the Code)
- k) If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225 of the Code, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (Section 16-185 of the Code)
- l) If a stipulation is agreed to by all interested parties, it may be taken into consideration by the Property Tax Appeal Board but must be supported by evidence in the record. The Board reserves the right to write a decision based on the facts, evidence and exhibits in the record.
- m) The contesting party may, at any time before the hearing begins, upon notice to the parties to the appeal, move to dismiss the appeal, by written request filed with the Board. However, where a party to the

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appeal has filed substantive evidence in response to the contesting party's petition, a dismissal will only be granted if no objections are made by any party to the appeal.

(Source: Amended at 22 Ill. Reg. 16533, effective
SEP 02 1998)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Emergency Medical Services and Trauma Center Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3) Section Numbers: Adopted Action:
515.210 Amendments
515.220 Amendments
515.300 Amendments
515.315 New Section
515.2000 Amendments
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) Effective Date of Rules: September 8, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? No
- 8) A copy of the adopted amendments is on file in the Department's principal office and is available for public inspection.
- 9) Date Notice(s) of Proposal was published in Illinois Register: February 20, 1998 - 22 Ill. Reg. 3745
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Difference between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

 1. In Sections 515.220(a)(1) and (b)(2), "Department" was stricken and "department" was added.
 2. In Section 515.220(a)(5), "with" was stricken and "within" was added.
 3. Include a new Section 515.220(d)(4)(O): "O) Include the policy developed pursuant to Section 515.315(f); and".
 4. New subsections (3) and (4) were added in Section 515.315(c) as follows:

"3) The number of staff after attempts have been made to call in additional staff, in accordance with facility policy; and

4) The approved Regional Protocols for bypass and diversion at the

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NOTICE OF ADOPTED AMENDMENTS

5. Section 515.315(d)(1) was amended to read:

time that the decision to go on bypass status was made, provided that the Protocols include subsections (1), (2) and (3)."
 - "1) All staffed operating suites are in use or fully implemented with on-call teams, and at least one or more of the procedures is an operative trauma case."
 6. Section 515.315(d)(2) was amended to read:

"2) The CAT scan or angiography equipment is not working; or".
 7. A new Section 515.315(d)(3) was added as follows:

"3) The general bypass criteria in subsection (c) of this Section."
 8. A new Section 515.315(f) was added as follows:

"f) Each EMS System shall develop a policy addressing response to a system-wide crisis."
- The following changes were made in response to comments and suggestions of JCAR:
1. In Section 515.210(d), "plan" was changed to "plan".
 2. In Section 515.315(c)(4), "(c)" was added before "(1)".
- In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
 - 13) Will these amendments replace emergency amendments currently in effect? No
 - 14) Are there any other amendments pending on this Part? No
 - 15) Summary and purpose of amendments: This rulemaking implements Sections 3.20(c)(1) and (9), and 3.90(b)(4) of the Emergency Medical Services (EMS) Systems Act [210 ILCS 50]. Section 3.20(c)(1) states, in part, that beginning September 1, 1997, "the Department shall approve the development of a new EMS System only when a local or regional need for establishing such System has been identified." Section 3.20(c)(9) authorizes the Department to investigate the circumstances that caused a hospital in an EMS System to go on bypass status to determine whether that hospital's

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decision to go on bypass status was reasonable. Section 3.90(b)(4) states, in part, that beginning September 1, 1997, "the Department shall designate a new trauma center only when a local or regional need for such trauma center has been identified." These provisions were added to the Act by P.A. 89-667 (effective January 1, 1997). The rulemaking also includes procedures to be followed by the Department when an EMS Regional Plan is not submitted to the Department after six months.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Ms. Gail DeVito
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
rules@dph.state.il.us

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515

EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE
SUBPART A: GENERAL

Section
515.100
515.125
515.150
515.160
515.170

Definitions
Incorporated and Referenced Materials
Waiver Provisions
Violations, Hearings and Fines
Employer Responsibility

SUBPART B: EMS REGIONS

Section
515.200
515.210
515.220
515.230

Emergency Medical Services Regions
EMS Regional Plan Development
EMS Regional Plan Content
Resolution of Disputes Concerning the EMS Regional Plan

SUBPART C: EMS SYSTEMS

Section
515.300
515.310
515.315
515.320
515.330
515.340
515.350
515.360
515.370
515.380
515.390
515.400
515.410
515.420
515.430
515.440

Approval of New EMS Systems
Approval and Renewal of EMS Systems
Bypass Status Review
Scope of EMS Service
EMS System Program Plan
EMS Medical Director's Course
Data Collection and Submission
Approval of Additional Drugs and Equipment
Automated Defibrillation
Do Not Resuscitate (DNR) Policy
Minimum Standards for Continuing Operation
General Communications
EMS System Communications
System Participation Suspensions
Suspension, Revocation and Denial of Licensure of EMTs
State Emergency Medical Services Disciplinary Review Board

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section
515.500
515.510
515.520

Emergency Medical Technician-Basic Training
Emergency Medical Technician-Intermediate Training
Emergency Medical Technician-Paramedic Training

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515.530 EMT Testing and Fees
 515.540 EMT Licensure
 515.550 Scope of Practice - Licensed EMT
 515.560 EMT-B Continuing Education
 515.570 EMT-I Continuing Education
 515.580 EMT-P Continuing Education
 515.590 EMT License Renewals
 515.600 EMT Inactive Status
 515.610 EMT Reciprocity

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER,
 FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE,
 EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND
 TRAUMA NURSE SPECIALIST

Section
 515.700 EMS Lead Instructor
 515.710 Emergency Medical Dispatcher
 515.720 First Responder
 515.725 First Responder - AED
 515.730 Pre-Hospital Registered Nurse
 515.740 Emergency Communications Registered Nurse
 515.750 Trauma Nurse Specialist
 515.760 Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

Section
 515.800 Vehicle Service Provider Licensure
 515.810 EMS Vehicle System Participation
 515.820 Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service
 Provider License
 515.830 Ambulance Licensure Requirements

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY MEDICAL
 SERVICES VEHICLE (SEMSV) PROGRAMS

Section
 515.900 Licensure of SEMSV Programs - General
 515.910 Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
 515.920 SEMSV Program Licensure Requirements for All Vehicles
 515.930 Helicopter and Fixed-Wing Aircraft Requirements
 515.935 EMS Pilot Specifications
 515.940 Aeromedical Crew Member Training Requirements
 515.945 Aircraft Vehicle Specifications and Operation
 515.950 Aircraft Medical Equipment and Drugs
 515.955 Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
 515.960 Aircraft Communications and Dispatch Center

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515.965 Watercraft Requirements
 515.970 Watercraft Vehicle Specifications and Operation
 515.975 Watercraft Medical Equipment and Drugs
 515.980 Watercraft Communications and Dispatch Center
 515.985 Off-Road SEMSV Requirements
 515.990 Off-Road Vehicle Specifications and Operation
 515.995 Off-Road Medical Equipment and Drugs
 515.1000 Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

Section
 515.2000 Trauma Center Designation
 515.2010 Denial of Application for Designation or Request for Renewal
 515.2020 Inspection and Revocation of Designation
 515.2030 Level I Trauma Center Designation Criteria
 515.2040 Level II Trauma Center Designation Criteria
 515.2050 Trauma Center Uniform Reporting Requirements
 515.2060 Trauma Patient Evaluation and Transfer
 515.2070 Trauma Center Designation Delegation to Local Health Departments
 515.2080 Trauma Center Confidentiality and Immunity
 515.2090 Trauma Center Fund
 515.2100 Pediatric Care

SUBPART I: EMS ASSISTANCE FUND

Section
 515.3000 EMS Assistance Fund Administration
 APPENDIX A A Request for Designation (RFD) Trauma Center
 APPENDIX B A Request for Renewal of Trauma Center Designation
 APPENDIX C Minimum Trauma Field Triage Criteria
 APPENDIX D Standing Medical Orders
 APPENDIX E Minimum Prescribed Data Elements
 APPENDIX F Template for In-House Triage for Trauma Centers

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective ~~SEP 08 1998~~ ^{SEP 08 1995}, 1998; amended at 22 Ill. Reg. **16543**, effective

SUBPART B: EMS REGIONS

DEPARTMENT OF PUBLIC HEALTH

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Section 515.210 EMS Regional Plan Development

- a) Within six months after designation of an EMS Region, an EMS Region plan addressing at least the information prescribed in Section 515.220 of this part shall be submitted to the Department for approval. The plan shall be developed by the Region's EMS Medical Directors Committee with advice from the Regional EMS Advisory Committee; portions of the plan concerning trauma shall be developed jointly with the Region's Trauma Center Medical Directors or Trauma Center Medical Directors Committee, whichever is applicable, with advice from the Regional Trauma Advisory Committee, if such Advisory Committee has been established in the Region. (Section 3.25(a) of the Act)
- b) A Region's Trauma Center Medical Directors may choose to participate in the development of the EMS Region plan through membership on the Regional EMS Advisory Committee, rather than through a separate Trauma Center Medical Directors Committee. If that option is selected, the Region's Trauma Center Medical Director shall also determine whether a separate Regional Trauma Advisory Committee is necessary for the Region. (Section 3.25(b) of the Act)
- c) In the event of disputes over content of the Plan between the Region's EMS Medical Directors Committee and the Region's Trauma Center Medical Directors or Trauma Center Medical Directors Committee, whichever is applicable, the Director of the Illinois Department of Public Health shall intervene through a review in accordance with Section 515.230 of this part. (Section 3.25(c) of the Act)
- d) If after six months a plan or portions thereof are not submitted, the Director of Public Health or his or her designee shall contact the EMS Medical Directors to seek input as to disputes, problems, or issues concerning areas not developed in the plan. If necessary, the Director or his or her designee shall contact members of the Regional EMS Advisory Committee to seek input into portions of the Plan that are not agreed upon. After consulting with the Committee and reviewing the plans submitted by the surrounding Regions, the Director or his or her designee will develop proposed policies and procedures for the Region. The Committee must approve these policies within 30 days or submit its own policies for approval by the Director. If the Committee has not submitted a complete Plan after 30 days, the Region will implement the policies and procedures developed by the Director or his or her designee in its EMS Regional Plan.
- e) Every 2 years, the members of the Region's EMS Medical Directors Committee shall rotate serving as Committee Chair, and select the Associate Hospital, Participating Hospital and vehicle service providers which shall send representatives to the Advisory Committee, and the EMTs/Pre-Hospital RN and nurse who shall serve on the Advisory Committee. (Section 3.25(d) of the Act) Each System in the Region must have at least one representative on the Committee.
- f) Every 2 years, the members of the Trauma Center Medical Directors Committee shall rotate serving as Committee Chair, and select the

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vehicle service providers, EMT, emergency physician, EMS System Coordinator and TNS who shall serve on the Advisory Committee. (Section 3.25(e) of the Act) It is recommended that the committee chair be held by Trauma Center Medical Directors of the Level I Trauma Centers in the Region.

(Source: Amended at 22 Ill. Reg. 16543, effective SEP 08 1998)

Section 515.220 EMS Regional Plan Content

- a) The EMS Medical Directors Committee portion of the Regional Plan shall address at least the following:
- 1) Protocols for inter-System/inter-Region patient transports, including protocols for pediatric patients and pediatric patients with special health care needs, identifying the conditions of emergency patients which may not be transported to the different levels of emergency department, based on their department Department classifications and relevant Regional considerations (e.g., transport times and distances);
 - 2) Regional standing medical orders;
 - 3) Patient transfer patterns, including criteria for determining whether a patient needs the specialized service of a trauma center, along with protocols for the bypassing of or diversion to any hospital, trauma center or Regional trauma center which are consistent with individual System bypass or diversion protocols and protocols for patient choice or refusal;
 - 4) Protocols for resolving Regional or inter-System conflict;
 - 5) An EMS disaster preparedness plan which includes the actions and responsibilities of all EMS participants within with the Region for care and transport of both the adult and pediatric population;
 - 6) Regional standardization of continuing education requirements;
 - 7) Regional standardization of Do Not Resuscitate (DNR) policies, and protocols for power of attorney for health care;
 - 8) Protocols for disbursement of Department grants (Section 3.30(a)(1-8) of the Act); and
 - 9) Development of protocols to improve and integrate EMS for children (or EMSC) into the current delivery of emergency services within the Region.
- b) The Trauma Center Medical Directors or Trauma Center Medical Directors Committee portion of the Regional Plan shall address at least the following:
- 1) The identification of Regional Trauma Centers and identification of trauma centers that specialize in pediatrics;
 - 2) Protocols for inter-System and inter-Region trauma patient transports, including identifying the conditions of emergency patients which may not be transported to the different levels of

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emergency department, based on their department **Department** classifications and relevant Regional considerations (e.g., transport times and distances);

- 3) Regional trauma transfer patterns, including criteria for
- 4) determining whether a patient needs the specialized services of a trauma center, along with protocols for the bypassing of or diversion to any hospital, trauma center or Regional trauma center which are consistent with individual System bypass or diversion protocols and protocols for patient choice or refusal (These policies must include the criteria of Section 515.Appendix C.);
- 5) The identification of which types of patients can be cared for by Level I and Level II Trauma Centers;
- 6) Criteria for inter-hospital transfer of trauma patients, including the transfer of pediatric patients;
- 7) The treatment of trauma patients in each trauma center within the Region;
- 8) The establishment of a Regional trauma quality assurance and improvement subcommittee, consisting of trauma surgeons, which shall perform periodic medical audits of each trauma center's trauma services, and forward tabulated data from such reviews to the Department; and
- 9) A program for conducting a quarterly conference which shall include at a minimum a discussion of morbidity and mortality between all professional staff involved in the care of trauma patients. (Section 3.30(b)(1-9) of the Act)
 - A) This shall include but not be limited to all cases that have been deemed potentially preventable or preventable in the trauma center review using the American College of Surgeons "Guidelines for Judgement Regarding Mortality and Contributing Factors and Guidelines Related to Morbidity and Mortality" (from "Resources for Optimal Care of the Injured Patient"). This review should exclude trauma patients who were dead on arrival.
 - B) In addition, the review must include all patients who were transferred more than two hours from time of arrival at the initial institution and who meet one or more of the following criteria at the receiving trauma center:
 - i) Admitted to an intensive care unit;
 - ii) Admitted to a bed with telemetry monitoring;
 - iii) Went directly to the operating room;
 - iv) Went to the operating room from the emergency department;
 - v) Discharged to a rehabilitation or skilled care facility;
 - vi) Died following arrival.
- C) The Region must include a review of morbidity/audit filters

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that have been determined by the Region.
D) Cumulative Regional reports will be made available upon request from the Department.

- c) The Region's EMS Medical Directors and Trauma Center Medical Directors Committees shall appoint any subcommittees which they deem necessary to address specific issues concerning Region activities. (Section 3.30(c) of the Act)
- d) Internal Disaster Plans
 - 1) Each System hospital shall submit an internal disaster plan to the EMS Medical Directors Committee and the Trauma Center Medical Directors Committee.
 - 2) The hospital internal disaster plan shall be coordinated with, or a part of, the hospital's overall disaster plan.
 - 3) The plan shall be coordinated with local and State disaster plans.
 - 4) The hospital internal disaster plan shall be developed by a hospital committee and shall at a minimum:
 - A) Identify the authority to implement the internal disaster plan, including the chain of command and how notification shall be made throughout the hospital;
 - B) Identify the critical operational elements required in the hospital in the event of an internal disaster;
 - C) If the facility needs to go on bypass or resource limitation status, identify the person responsible for notification and the persons both outside and within the hospital who should be notified;
 - D) Identify a person or group responsible for ensuring that needed resources and supplies are available;
 - E) Identify a person to communicate with representatives from other agencies, organizations, and the EMS System;
 - F) Identify a person who is responsible for procuring all supplies required to manage the facility and return the facility to the preincident status;
 - G) Identify the plan and procedure for educating facility employees on their role and responsibilities during the disaster;
 - H) Designate a media spokesperson;
 - I) Establish a method for resource coordination between departments and individuals to address management of staff, patients and patient flow patterns;
 - J) Designate a person (safety officer) with responsibility for establishing safety policies to include, but not be limited to, decontamination operations, safety zones, site safety plans, evacuation parameters, and traffic patterns;
 - K) Designate a location where personnel, not actually committed to the incident, will report for assignments, as needed (i.e., a staging area);
 - L) Include notification procedures to EMS Systems, area

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- ambulances, both public and private, and police and fire authorities of the type of incident that caused the hospital to implement its internal disaster plan and of any special instructions, e.g., use of a different driveway or entrance;
- M) Establish a designated form of communication, both internal and external, to maintain two-way communication (e.g., ham radio, walkie talkies);
- N) Include a policy to call in additional nursing staff when an identified staffing shortage exists;
- O) Include the policy developed pursuant to Section 515.315(f); and
- P) Include contingency plans for the transfer of patients to other facilities if an evacuation of the hospital becomes necessary due to a catastrophe, including but not limited to a power failure. (Section 3.30 of the Act)

(Source: Amended at 22 Ill. Reg. 16543, effective SEP 08 1998)

SUBPART C: EMS SYSTEMS

Section 515.300 Approval of New EMS Systems

- a) Beginning September 1, 1997, the Department shall approve the development of a new EMS System only when a local or Regional need for establishing such System has been identified (Section 3.20(c)(1) of the Act). The applicant shall submit documentation addressing the following:
- 1)a) A clear description of its current role and status within the existing System;
 - 2)b) Its rationale for separating from the existing System and developing its own program;
 - 3)c) A description of the methods to be used for ensuring the coordination of emergency services with adjacent Systems, including the System that it proposes to leave;
 - 4)d) A statement detailing the effect that the proposed change will have on the area's pre-hospital services and patient referral patterns;
 - 5)e) A statement summarizing the steps to be taken to ensure that the necessary quality and level of care will be maintained during the implementation phase of the proposed System; and
 - 6)f) A letter of support or denial from the Regional Advisory Committee.
- b) Department approval shall be based upon any of the following criteria justifying a need for establishing a new EMS System:
- 1) Existence of an uncovered geographic area;
 - 2) Unavailability of continuing education to current providers that

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- participate in the area;
- 3) Inconsistency of the level of the EMS System with the level of the provider;
 - 4) Recommendation of the Regional EMS Advisory Committee of the need for an additional EMS System; and
 - 5) Documentation of extenuating circumstances, to be reviewed by the Department on an individual basis, where a special need exists and/or a special population is not serviced by an existing EMS System.

(Source: Amended at 22 Ill. Reg. 16543, effective SEP 08 1998)

Section 515.315 Bypass Status Review

- a) The Department shall investigate the circumstances that caused a hospital in an EMS System to go on bypass status to determine whether that hospital's decision to go on bypass status was reasonable. (Section 3.20(c) of the Act)
- b) The hospital shall notify the Illinois Department of Public Health, Division of Emergency Medical Services, during the next business day following any bypass or resource limitation decision. This notification can be faxed.
- c) In determining whether a hospital's decision to go on bypass status was reasonable, the Department shall consider the following:
- 1) The number of critical or monitored beds available in the hospital at the time that the decision to go on bypass status was made;
 - 2) Whether an internal disaster, including but not limited to a power failure, had occurred in the hospital at the time that the decision to go on bypass status was made;
 - 3) The number of staff after attempts have been made to call in additional staff, in accordance with facility policy; and
 - 4) The approved Regional Protocols for bypass and diversion at the time that the decision to go on bypass status was made, provided that the Protocols include subsections (c)(1), (2) and (3) above.
- d) For Trauma Centers only, the following situations constitute a reasonable decision to go on bypass status:
- 1) All staffed operating suites are in use or fully implemented with on-call teams, and at least one or more of the procedures is an operative trauma case;
 - 2) The CAT scan is not working; or
 - 3) The general bypass criteria in subsection (c) of this Section.
- e) The Department may impose sanctions, as set forth in Section 3.140 of the Act, upon a Department determination that the hospital unreasonably went on bypass status in violation of the Act. (Section 3.20(c) of the Act)
- f) Each EMS System shall develop a policy addressing response to a

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system-wide crisis.

(Source: Added at 22 Ill. Reg. 16543, effective SEP 08 1998)

SUBPART H: TRAUMA CENTERS

Section 515.2000 Trauma Center Designation

- a) The Department shall attempt to designate trauma centers in all areas of the State. There shall be at least one Level I Trauma Center serving each EMS Region, unless waived by the Department. Level I Trauma Centers shall serve as resources for Level II Trauma Centers in the EMS Regions. The extent of such relationships shall be defined in the EMS Region plan. (Section 3.90(b)(5) of the Act)
- b) Any hospital seeking designation as a Level I or Level II Trauma Center shall submit an application form (see Section 515.2000 Appendix A of this Part) as prescribed by the Department.
- c) Upon receipt of a completed application, the Department shall conduct a site visit to determine compliance with the Act and this Part. A report of the inspection shall be provided to the Director within 30 days of the completion of the site visit. (Section 3.90(b)(3) of the Act) The applicant hospital shall be operational for designation within six months after the application and site survey are approved.
- d) The Department shall designate those applicant hospitals as Level I or Level II Trauma Centers which meet the requirements established by the Act and this Part.

e) Beginning September 1, 1997 the Department shall designate a new Trauma Center only when a local or Regional need for such a Trauma Center has been identified by the applicable EMS Region's Trauma Center Medical Directors Committee, with advice from the Regional Trauma Advisory Committee. (Section 3.90(b)(4) of the Act) Department designation shall be based upon any of the following criteria justifying a need for designation of a new Trauma Center:

- 1) Number of expected trauma cases;
- 2) An estimated time of arrival to existing Trauma Centers greater than 25 minutes;
- 3) The number of times that surrounding Trauma Centers went on bypass status within the preceding year;
- 4) A recommendation by the Trauma Regional Advisory Board or Regional EMS Advisory Committee that there is an identifiable need for additional Trauma Centers since the trauma system was implemented; and
- 5) Documentation of extenuating circumstances, which will be reviewed by the Department on an individual basis, where a special need exists and/or a population is not serviced by an existing Trauma Center.

f) A Trauma Center designation shall be for two years.

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g) All requests for renewal of Trauma Center designations shall be filed in writing (see Section 515.2000 Appendix B of this Part) with the Department before the designation expiration date. If the renewal request meets the requirements of this Part, the existing designation shall continue in full force and effect until a final Department decision on the renewal request has been issued.

h) Any Level Trauma Center may voluntarily terminate its designation prior to its expiration date by notifying the Department in writing. Such notification shall include the anticipated date of termination, which shall not exceed 60 days after notice is received by the Department, and shall describe the procedures taken by the Trauma Center to notify the providers, hospitals, EMS systems and other Trauma Centers in the EMS Region.

i) No facility shall use the phrase "Trauma Center" or words of similar meaning in relation to itself or hold itself out as a Trauma Center without first obtaining designation pursuant to the Act and this Part. (Section 3.105 of the Act)

(Source: Amended at 22 Ill. Reg. 16543, effective SEP 08 1998)

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1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation: 77 Ill. Adm. Code 350

3) Section Numbers:
350.340 Adopted Action:
350.2620 Amendments
350.3230 Repealer

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) Effective date of amendments: September 18, 1998

6) Does this amendment contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) Notices of Proposal was Published in Illinois Register:

December 5, 1997 - 21 Ill. Reg. 15379

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 350.340(a)(1)(F), "For existing facilities (see Subpart N)" was added; "Chapter 33 (1997)," was deleted; strikeouts were removed from "Appendix-B-(1997)-and-the-following-standards".

2. Strikeouts were removed from Section 350.340(a)(1)(F)(i)-(ix).

3. A new Section 350.340(a)(1)(F)(x) was added:

"x) Appendix C (1981): Fire Safety Evaluation System for Health Occupancies".

4. A new Section 350.340(a)(1)(G) was added:

"G) For new facilities (see Subpart M), National Fire Protection Association Standard No. 101: Life Safety Code, Chapter 33, (1997)."

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which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02269."

5. In Section 350.340(a)(1)(G), "G" was changed to "H"; in subsection (i) "Resistive" was changed to "Resistance".

6. In Section 350.340(c)(3)(C)(vi), "Code" was added.

7. In Section 350.2620(a)(2), "Other Code" was stricken and "Codes" was added.

8. In Section 350.2620(a)(2)(B)(i), "Resistive" was deleted and strikeouts were removed from "Resistance".

9. In Section 350.2620(a)(2)(H), underlined text was deleted and existing text was stricken.

10. A new Section 350.2620(e) was added:

"e) Amendments to this Section effective , 1998, supersede all other codes and standards incorporated in this Subpart M.

The following changes were made in response to comments and suggestions of JCAR:

1. In Section 350.340(a)(1)(H)(i), "Index" was stricken; "Directory" was added; "(all editions)" was deleted; "(1998 Edition)" was added; "i and" was deleted.

2. In Section 350.340(a)(1)(H)(ii) "(all editions)" was deleted and "(1998 Edition); and" was added.

3. A new Section 350.340(a)(1)(H)(iii) was added:

"iii) Automotive Burglary Protection Mechanical Equipment Directory (1997 Edition).

4. Section 350.340(c)(3)(C)(xii) was changed to "Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)"

5. In Section 350.340(c)(3)(E) "Alcoholism and Substance Abuse" was stricken and "Human Services" was added.

6. Section 350.340(c)(3)(F) was stricken; "G" was changed to "F".

7. In Section 350.340(c)(3)(F), "Transportation" was stricken and "Natural Resources" was added; "92 Ill. Adm. Code 706" was changed to

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"9217 Ill. Adm. Code 7062706".

8. In Section 350.2620(a)(2)(B)(i), "Index" was stricken and "Directory" was added.
9. In Sections 350.2620(a)(2)(B)(i) and (ii), "All Editions" was stricken and "1998 Edition" was added.
10. A new Section 350.2620(a)(2)(B)(iii) was added:

"(iii) Automotive Burglary Protection Mechanical Equipment Directory (1997 Edition)."

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?

All changes have been made.

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any other amendments pending on this Part? Yes

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
350.330	Amendments	22 Ill. Reg. 13432
350.630	Amendments	22 Ill. Reg. 6133
350.681	Amendments	22 Ill. Reg. 6133
350.1220	Amendments	22 Ill. Reg. 13432
350.1223	New Section	22 Ill. Reg. 13432
350.1225	Amendments	22 Ill. Reg. 13432
350.1230	Amendments	22 Ill. Reg. 13432
350.1610	Amendments	22 Ill. Reg. 13432
350.1810	Amendments	22 Ill. Reg. 13432
350.1840	Amendments	22 Ill. Reg. 13432
350.1850	Amendments	22 Ill. Reg. 13432
350.1860	Repealer	22 Ill. Reg. 13432
350.1880	Amendments	22 Ill. Reg. 13432
350.Appendix B	Repealer	22 Ill. Reg. 13432

- 15) Summary and purpose of the amendments:

The rules in Part 350 regulate the licensure of intermediate care facilities for the developmentally disabled under the Nursing Home Care

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Act.

Section 350.340 is being amended to update incorporated and referenced materials. Codes and standards are updated to more recent editions; addresses are corrected and added; format is clarified to distinguish between incorporated and referenced materials; statutory citations are changed from Illinois Revised Statutes to Illinois Compiled Statutes; rules and statutes cited elsewhere in this Part are added.

Section 350.2620 is being amended to update the incorporation of the National Fire Protection Association Life Safety Code for new facilities to the 1997 edition. Other incorporated materials are updated and clarified, and the BOCA International Building Code (1996) is substituted for the Uniform Building Code (1982).

Section 350.3230 is being repealed. The Department has adopted new requirements on the use of restraints (see 20 Ill. Reg. 12049), effective September 10, 1996.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Gail DeVito
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
(rules@idph.state.il.us).

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

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350.130	Licenses
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.315	Supported Congregate Living Arrangement Demonstration
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

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350.630	Admission and Discharge Policies
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.683	Registry of Developmental Disabilities Aides
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350.700	Serious Incidents and Accidents
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350.1030	Social Services
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350.1050	Recreational and Activities Services
350.1060	Training and Habilitation Services
350.1070	Training and Habilitation Staff
350.1080	Restraints
350.1082	Nonemergency Use of Physical Restraints
350.1084	Emergency Use of Physical Restraints
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 350.3220 Medical and Personal Care Program
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 350.3320 Confidentiality
 350.3330 Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES
FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Section
 350.3710 Applicability of Other Provisions of this Part
 350.3720 Administration
 350.3730 Admission and Discharge Policies
 350.3740 Personnel
 350.3750 Consultation Services and Nursing Services
 350.3760 Medication Policies
 350.3770 Food Services
 350.3780 Codes and Standards
 350.3790 Administration and Public Areas
 350.3800 Bedrooms
 350.3810 Nurses Station
 350.3820 Bath and Toilet Rooms
 350.3830 Utility Rooms
 350.3840 Living, Dining, Activity Rooms
 350.3850 Therapy and Personal Care
 350.3860 Kitchen
 350.3870 Laundry Room
 350.3880 General Building Requirements

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350.3890 Corridors
 350.3900 Special Care Room
 350.3910 Exit Facilities and Subdivision of Floor Areas
 350.3920 Stairways, Vertical Openings and Doorways
 350.3930 Hazardous Areas and Combustible Storage
 350.3940 Mechanical Systems
 350.3950 Heating, Cooling, and Ventilating Systems
 350.3960 Plumbing Systems
 350.3970 Electrical Systems
 350.3980 Fire Alarm and Detection System
 350.3990 Emergency Electrical System
 350.4000 Fire Protection
 350.4010 Construction Types
 350.4020 Equivalencies
 350.4030 New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section
 350.4210 Day Care in Long-Term Care Facilities

APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
 APPENDIX B Federal Requirements Regarding Residents' Rights
 APPENDIX C Seismic Zone Map
 APPENDIX D Forms for Day Care in Long-Term Care Facilities
 APPENDIX E Guidelines for the Use of Various Drugs
 TABLE A Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
 TABLE B Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
 TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
 TABLE D Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
 TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
 TABLE F Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended

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at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16158, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7175, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective SEP 18 1998.

SUBPART A: GENERAL PROVISIONS

Section 350.340 Incorporated and Referenced Materials

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- a) The following regulations, and standards, and statutes are incorporated or referenced in this Part:
- i) Private and professional association, Minimum Academic Requirements for American Dietetic Association Membership (1998 1988), which may be obtained from the American Dietetic Association, 216 West Jackson 430--North--Michigan--Avenue, Chicago, Illinois 60606-6995 60611.
 - B) American National Standards Institute,----Standard A17-1-84,----Safety-Code-for-Elevators-and-Escalators----(1985), which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017:-
 - i) Standard No. A17.1-1971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped; and
 - ii) Standard No. A17.1-1995, Safety Code for Elevators and Escalators.
 - C) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals, (1997 1977), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.7United-Engineering-Center-345 East-47th-Street-New-York-New-York-10017-
 - D) The following standards-of-the American Society for Testing and Materials (ASTM),-+- Standard-No.-B-84-1977A,--Method of--Test--for--Surface--Burning--Characteristics-of-Building Materials--+- Standard No. E90-1975: Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions, which may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.
 - E) BOCA International Building Code (1996), which may be obtained from Building Officials and Code Administrators International, Inc., 4051 Flossmoor Road, Country Club Hills, Illinois 60478-5795 International-Conference-Building Officials-Uniform-Building-Code-(1976-and-1982).
 - F) For existing facilities (see Subpart N), National Fire Protection Association (NFPA), Standard No. 101: Life Safety Code, Appendix B (1981), and the following standards, which may be obtained from the National Fire Protection Association, 1 Battery March Battery Park, Quincy, Massachusetts 02269:
 - i) No. 10(1978): Standards for Portable Extinguishers
 - ii) No. 13 (1980): Standards for the Installation of Sprinkler Systems
 - iii) No. 56F (1977): Standards for Non-Flammable Medical

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- Gas Systems
- iv) No. 70 (1981): National Electric Code
 - v) No. 90A (1978): Standards for the Installation of Air Conditioning and Ventilating Systems
 - vi) No. 96 (1980): Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment
 - vii) No. 220 (1979): Standard Standards Types of Building Construction
 - viii) No. 253 (1978): Flooring Radiant Heat Energy Test
 - ix) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials
 - x) Appendix C (1981): Fire Safety Evaluation System for Health Occupancies
- G) For new facilities (see Subpart M), Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (1977), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.
- 6) Compressed Gas Association; Pamphlet--P-2--Standard--for Medical-Surgical-Vacuum-Systems-in-Hospitals--(1976)--Underwriters Laboratories Laboratory, Inc. (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:
- i) Fire Resistance Directory resistance--index (1998 Edition)71
 - ii) Building Material Directory (1998 Edition), and Standard---No---101---(1974)---Factory--Made--Air--Duct Materials--and--Air--Duct--Connectors
 - iii) Automotive Burglary Protection Mechanical Equipment Directory (1997 Edition).
- I) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.
- J) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.
- K) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.
- 2) Federal statutes-and regulations:
- A) 21 CFR 1306.11 (Requirement of Prescriptions), April 1, 1997.

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- 1997; and
- B) 21 CFR 1306.21 (Refilling of Prescriptions), April 1, 1997.
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
- 1) Federal statutes:
 - A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
 - B) Social Security Act (42 U.S.C.A. 301 et seq., 1395 et seq. and 1396 et seq.)
 - 2) State of Illinois Statutes Statutes:
 - A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305] (~~1987~~--Rev--Stat--1987--ch--111-1/2, par--635i-1-et seq--)
 - B) Boiler and Pressure Vessel Safety Act [430 ILCS 75] (~~1987~~--Stat--1987--ch--111-1/2, par--320i-et-seq--)
 - C) Child Care Act of 1969 [225 ILCS 10] (~~1987~~--Rev--Stat--1987--ch--237-par--231i-et-seq--)
 - D) Court of Claims Act [705 ILCS 505] (~~1987~~--Rev--Stat--1987--ch--377-par--499-i-et-seq--)
 - E) The Illinois Dental Practice Act [225 ILCS 25] (~~1987~~--Rev--Stat--1987--ch--111-par--230i-et-seq--)
 - F) The Election Code [10 ILCS 5] (~~1987~~--Rev--Stat--1987--ch--467 par--i-i-et-seq--)
 - G) Freedom of Information Act [5 ILCS 140] (~~1987~~--Rev--Stat--1987--ch--116-par--20i-et-seq--)
 - H) General Not For Profit Corporation Act of 1986 [805 ILCS 105] (~~1987~~--Rev--Stat--1987--ch--327-par--10i-8i-et-seq--)
 - I) Illinois Health Facilities Planning Act [20 ILCS 3906] (~~1987~~--Stat--1987--ch--111-1/2, par--115i-et-seq--)
 - J) Hospital Licensing Act [210 ILCS 85] (~~1987~~--Rev--Stat--1987--ch--111-par--142-et-seq--)
 - K) Article--37--Division--37 Illinois Municipal Code [65 ILCS 5] (~~1987~~--Rev--Stat--1987--ch--247-par--i-3-i-et-seq--)
 - L) Illinois Controlled Substances Act [720 ILCS 570] (~~1987~~--Stat--1987--ch--56-i/2-par--1100-et-seq--)
 - M) Life Care Facilities Act [210 ILCS 40] (~~1987~~--Rev--Stat--1987--ch--111-1/2, par--4160-i-et-seq--)
 - N) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10] (~~1987~~--Rev--Stat--1987--ch--857-par--1-i01 et-seq--)
 - O) Medical Practice Act of 1987 [225 ILCS 60] (~~1987~~--Rev--Stat--1987--ch--111-par--4400-i-et-seq--)
 - P) Mental Health and Developmental Disabilities Code [405 ILCS 5] (~~1987~~--Rev--Stat--1987--ch--91-1/2-par--1-i00-et-seq--)
 - Q) The Illinois Nursing Act of 1987 [225 ILCS 65] (~~1987~~--Rev--

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- R) State-1987-ch-111-par-3501-et-seq-7
Nursing Home Administrators Licensing and Disciplinary Act
[225 ILCS 70] ~~111-Rev-Stat-1987-ch-111-par-3651-et~~
~~seq-7~~
- S) State-1987-ch-111-par-4151-et-seq-7-as-amended-by-Public-Act
85-9687--effective--December--97--1987--Public-Act-85-11837
effective-August-137-1988-and-Public-Act-85-19787-effective
September-17-19887
- T) Illinois Occupational Therapy Practice Act [225 ILCS 75]
~~111-Rev-Stat-1987-ch-111-par-3701-et-seq-7~~
- U) Pharmacy Practice Act of 1987 [225 ILCS 85] 111-Rev-Stat-
1987-ch-111-par-4121-et-seq-7
- V) Illinois Physical Therapy Act of 1985 [225 ILCS 90] 111-
Rev-Stat-1987-ch-111-par-4251-et-seq-7
- W) Private Sewage Disposal Licensing Act [225 ILCS 225] 111-
Rev-Stat-1987-ch-111-i/27-par-116301-et-seq-7
- X) Probate Act of 1975 [755 ILCS 5] 111-Rev-Stat-1987-ch-
110-i/37-par-1-i-et-seq-7
- Y) The Illinois Public Aid Code [305 ILCS 5] 111-Rev-Stat-
1987-ch-23-par-1-i-et-seq-7
- Z) Safety Glazing Materials Act [430 ILCS 60] 111-Rev-Stat-
1987-ch-111-i/27-par-3101-et-seq-7
- AA) Illinois Administrative Procedure Act [5 ILCS 100]
- BB) Clinical Psychologist Licensing Act [225 ILCS 15]
- CC) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- DD) Health Care Worker Background Check Act [225 ILCS 46]
- EE) Criminal Code of 1961 [720 ILCS 5]
- FF) Cannabis Control Act [720 ILCS 550]
- GG) Clinical Social Work Practice Act [225 ILCS 20]
- HH) Living Will Act [755 ILCS 35]
- II) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
- JJ) Health Care Surrogate Act [755 ILCS 40]
- KK) Right of Conscience Act [745 ILCS 70]
- LL) Abused and Neglected Long-Term Care Facility Residents
Reporting Act [210 ILCS 30]
- MM) Supportive Residences Licensing Act [210 ILCS 65]
- NN) Community Residential Alternatives Licensing Act [210 ILCS
40]
- OO) Community Living Facilities Licensing Act [210 ILCS 35]
- PP) Community-Integrated Living Arrangements Licensure and
Certification Act [210 ILCS 135]
- QQ) Counties Code [55 ILCS 5]
- 314) State of Illinois rules:
A) Office-of-the-State-Fire-Marshall-Fire-Prevention-and-Safety
141-111-Adm-Code-1007
A) Office of the State Fire Marshal, Boiler and Pressure
Vessel Safety Rules-and-Regulations (41 Ill. Adm. Code 120)

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- B) Capital Development Board, Illinois Accessibility Code (71
Ill. Adm. Code 400)
- C) Department of Public Health:
i) Control of Communicable Diseases Code (77 Ill. Adm.
Code 690)
- ii) Department--of--Public--Health7 Control of Sexually
Transmissible Diseases Code (77 Ill. Adm. Code 693)
- iii) Department-of-Public-Health7 Food Service Sanitation
Code (77 Ill. Adm. Code 750)
- iv) Department-of-Public-Health7 Illinois Plumbing Code
(77 Ill. Adm. Code 890)
- v) Department--of--Public-Health7 Private Sewage Disposal
Code (77 Ill. Adm. Code 905)
- vi) Department-of-Public-Health7 Drinking Water Systems
Code (77 Ill. Adm. Code 900)
- vii) Department--of--Public--Health7 Illinois Water Well
Construction Code (77 Ill. Adm. Code 920)
- viii) Department-of-Public-Health7 Illinois Water Well
Pump Installation Code (77 Ill. Adm. Code 925)
- ix) Freedom of Information Code (2 Ill. Adm. Code 1126)
- x) Rules of Practice and Procedure in Administrative
Hearings (77 Ill. Adm. Code 100)
- xi) Skilled Nursing and Intermediate Care Facilities Code
(77 Ill. Adm. Code 300)
- xii) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
- xiii) Long-Term Care for Under Age 22 Facilities Code (77
Ill. Adm. Code 390)
- xiv) Long-Term Care Assistants and Aides Training Programs
Code (77 Ill. Adm. Code 395)
- D) Department of Professional Regulation, Controlled
Substances Substance Act (77 Ill. Adm. Code 3100)
- E) Department of Alcoholism--and--Substance---Abuse7 Human
Services7 Alcoholism and Substance Abuse Treatment,
Intervention and Research Programs (77 Ill. Adm. Code 2058)
- N) Department-of-Public-Aid7 Access-to-Cost--Reports--(89-111-
Adm--Code-140-5447
- F) Department of Natural Resources Transportation, Regulation
of Construction within Flood Plains (17 92 Ill. Adm. Code
2706 706)
- b) All--incorporations--by--reference--of--federal--regulations--and--the
standards--of--nationally--recognized--organizations--refer--to--the
regulations--and--standards--on--the--date--specified--and--do--not--include--any
additions--or--deletions--subsequent--to--the--date--specified--
- c) All--citations--to--federal--regulations--in--this--Part--concern--the
specified--regulation--in--the--1986--Code--of--Federal--Regulations--unless
another--date--is--specified--

(Source: Amended at 22 Ill. Reg. 10557, effective

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SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section 350.2620 Codes and Standards

- a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of federal the rules or regulations of any agency of the United States or of any standards of a nationally recognized organization or association refers to the regulations and standards on the date specified and does not include any additions or deletions subsequent to new amendments or editions made after the date specified. (A)-(B)

- 1) State of Illinois rules
 - A) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health
 - B) Illinois Accessibility Code (71 Ill. Adm. Code 400), Capital Development Board
- e) Fire-Prevention-and-Safety-(41-III-Adm-Code-100)-Office of-the-State-Fire-Marshall
- C) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health
- D) Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120), Office of the State Fire Marshal
- 2) Codes Other-Code and Standards
 - A) National Fire Protection Association, † (NFPA) Standard No. 101: Life Safety Code, 1997 1984 Edition (New Health Care Occupancies - Residential-Custodial Care) and all appropriate references under Chapter 33 Appendix--"B", including but not limited to:
 - i) NFPA-10--1978-Standard-for-Portable-Extinguishers
 - ii) NFPA-13--1980--Standards--for-the-installation-of-Sprinkler-Systems
 - iii) NFPA-56P--1977-Standard-for-Non-Flammable-Medical Gas-Systems
 - iv) NFPA-70--1981-National-Electric-Code
 - v) NFPA-90A--1978-Standards-for-the-installation-of-Air Conditioning-and-Ventilating-Systems
 - vi) NFPA-96--1980--Standard-for-the-installation-of-Equipment-for-the-Removal-of-Smoke-and-Grease-Baden Vapors-from-Commercial-Cooking-Equipment
 - vii) NFPA-220--1979--Standard--Types--of--Building Construction
 - ix) NFPA-253--1978-Flooring-Radiant-Heat-Energy-Test
 - x) NFPA-255--1972--Test--of--Surface--Burning Characteristics-of-Building-Materials

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- B) Underwriters' Laboratories Laboratory, Inc. (UL)
- i) Fire Resistance Directory Index (1998 Edition All Editions)
 - ii) Building Material Directory (1998 Edition All Editions)
 - iii) Automotive Burglary Protection Mechanical Equipment Directory (1997 Edition) Standard--No--181-1974 Factory--Made--Air--Buct--Materials--and--Air--Buct Connectors
- C) American Society for Testing and Materials (ASTM), †
- Standard No--B-84-1977A-Method-of-Test-for-Surface--Burning Characteristics-of-Building-Materials--(Same-as-NFPA-255) ††
 - Standard No. B90-1975, Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions
- D) American Society of Heating, Refrigerating and Air Conditioning Conditioning Engineers (ASHRAE):
- i) Handbook of Fundamentals, 1997 1977
 - ii) Handbook of Applications, 1995 Standard--No--52-76 Methods--of--Testing--Air--Cleaning--Devices--Used--in General-Ventilation-for-Removing-Particulate-Matters
- E) BOCA International Building Code (1996) Uniform Building Code--(1992-Edition)--International--Conference--of--Building Officials
- F) American National Standards Institute:
- i) Standard No. A17.1-RL97L, American--Standards Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped American-National-Standards-Institute
 - ii) Standard No. A17.1-1995 1974, American--National Safety Code for Elevators and Escalators and Moving-Stairs
- H) HPB-PB-24-A-Guide-to-Air--Borne--Impact--and--Structure Borne-Noise-Control-in-Multi-Family-Dwellings
- b) In addition to compliance with the standards Standards set forth herein, all building codes, ordinances and regulations in which the enforced by city, county or other local jurisdictions in which the facility is, or will be, located must be observed. (A)-(B)
- c) Where no local building code exists, the recommendations of the 1996 1976 Edition of the BOCA International Building Code shall apply.
- d) The local building code or the recommendations of the 1996 1982 Edition of the BOCA International Building Code shall apply insofar as such recommendations are not in conflict with the standards set forth in this Part these--regulations, or with the National Fire Protection Association Code Standard No. 101: Life Safety Code, 1997 (1981-Edition).
- e) The--Fire-Safety-Evaluation-System-for-Health-Occupancies-(Appendix-C)

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- 1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 390
- 3) Section Numbers: Adopted Action:
390.340 Amendments
390.2620 Amendments
390.3230 Repealer
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective date of amendments: September 18, 1998
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice(s) of Proposal was Published in Illinois Register: December 5, 1997 - 21 Ill. Reg. 15396
- 10) Has JCARE issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 390.340(a)(1)(F) "For existing facilities (see Subpart N), " was added; "Chapter 33 (1997), " was deleted; strikeouts were removed from "Appendix-B-(1981)-and-the-following-additional standards,"
2. Strikeouts were removed from Sections 390.340(a)(1)(F)(i)-(ix).
3. A new Section 390.340(a)(1)(F)(x) was added:
- "x) Appendix C (1981): Fire Safety Evaluation System for Health Occupancies"
4. A new Section 390.340(a)(1)(G) was added:

"G) For new facilities (see Subpart M), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (1997), which may be obtained from the National Fire

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of-the-1981-edition-of-the-Life-Safety-Code-(NFPA-101)-shall-be-used by-the-Department-in-determining-whether-any-facility's-proposed equivalent-system-is-safe-and-does-not-constitute-a-hazard-to-the-life and-safety-of-the-staff-and-residents--in-making-its-determination regarding--the-proposed-equivalent-system--the-Department-shall consider-those-factors-listed-in-Appendix-C-

e) Amendments to this Section effective August 31, 1998, supersede all other codes and standards incorporated in this Subpart M.

(Source: Amended at 22 Ill. Reg. 16557, effective 9/18/98)

SUBPART O: RESIDENT'S RIGHTS

Section 350.3230 Restraints (Repealed)

- a) Neither physical restraints nor confinements shall be employed for the purpose of punishment or for the convenience of any facility personnel--No physical restraints or confinements shall be employed except as ordered by a physician who documents the need for such restraints--or--confinements--in--the--resident's--clinical--record--(Section 2-106 of the Act)-(B)
- b) Restraints (as defined in Section 350-330)-and--confinements--may--be employed--only--when--necessary--to--prevent--a--resident--from--injury--himself--or--others--The--physician's--written--authorization--shall specify--the--precise--time--periods--and--conditions--in--which--any restraints--and--confinements--shall--be--employed--(B)
- c) No--chemical--medication--or--tranquilizer--shall--be--employed--by--a facility--as--a--restraint--or--confinement--in--lieu--of--or--in--addition--to any--physical--restraint--or--confinement--Such--chemicals--medications--or tranquilizers--may--only--be--employed--as--part--of--a--duly--prescribed therapeutic--medical--treatment--program--authorized--by--the--resident's physician--and--documented--in--the--resident's--clinical--record--(B)
- d) No--resident--shall--be--subjected--to--any--behavior--modification--program which--utilizes--restraints--confinements--or--aversive--stimuli--of--any nature--unless--and--until--the--informed--consent--of--such--resident's resident's--guardian--or--parent--of--a--minor--resident--has--been--obtained--(B)
- e) Manual--physical--restraint--must--be--authorized--in--advance--in--writing--by the--interdisciplinary--team--which--includes--a--physician--or--a--registered nurse--with--three--years--of--clinical--training--or--experience--acquired subsequent--to--the--acquisition--of--licensure--as--part--of--an--individual program--plan.

(Source: Repealed 9/18/98) 22 Ill. Reg. 16557, effective 9/18/98

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Protection Association, 1 Battery March Park, Quincy, Massachusetts, 02269."

5. In Section 390.340(a)(1)(G), "G)" was changed to "H)"; in subsection (i), "Resistive" was deleted and strikeouts were removed from "Resistance".
6. Section 390.340(a)(1)(K) was stricken out.
7. A new Section 390.2620(f) was added:

"f) Amendments to this Section effective 1998, supercede all other codes and standards incorporated in this Subpart M."

The following changes were made in response to comments and suggestions of JCAR:

1. In Section 390.340(a)(8)(A), "Index" was stricken and "Directory" was added; "and" was deleted; "(all editions)" was deleted and "(1998 Edition)" was added.
 2. In Section 390.340(a)(8)(B), "(all editions)" was deleted and "(1998 Edition)" was added; "the closing period was stricken and "and" was added.
 3. A new Section 390.340(a)(8)(C) was added:
- "C) Automotive Burglary Protection Mechanical Equipment Directory (1997 Edition)."
4. In Section 390.340(c)(3), a new subsection (xi) was added: "Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)".
 5. Section 390.340(c)(3)(C)(xiii) was deleted.
 6. In Section 390.340(c)(3)(E), "Alcoholism and Substance Abuse" was stricken and "Human Services" was added.
 7. Section 390.340(c)(3)(F) was stricken.
 8. Section 390.340(c)(3)(G) was changed to "(F)"; "Transportation" was stricken and "Natural Resources" was added; "92 Ill Adm Code 706" was changed to "9217 Ill. Adm. Code 7062706".
 9. In Section 390.2620(a)(2)(B)(i), "Index" was stricken and "Directory" was added; "All Editions" was stricken and "1998 Edition" was added.

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10. In Section 390.2620(a)(2)(B)(ii), "All Editions" was stricken and "1998 Edition" was added.

11. A new Section 390.2620(a)(2)(B)(iii) was added:

"iii) Automotive Burglary Protection Mechanical Equipment Directory (1997 Edition)"

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? All changes have been made.

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
390.330	Amendments	22 Ill. Reg. 13480
390.630	Amendments	22 Ill. Reg. 6150
390.681	Amendments	22 Ill. Reg. 6150
390.1020	Amendments	22 Ill. Reg. 13480
390.1035	Amendments	22 Ill. Reg. 13480
390.1610	Amendments	22 Ill. Reg. 13480
390.1810	Amendments	22 Ill. Reg. 13480
390.1840	Amendments	22 Ill. Reg. 13480
390.1850	Amendments	22 Ill. Reg. 13480
390.1860	Amendments	22 Ill. Reg. 13480
390.1880	Amendments	22 Ill. Reg. 13480
390.Appendix A	Repealer	22 Ill. Reg. 13480

- 15) Summary and purpose of the amendments:

The rules in Part 390 regulate the licensure of long-term care facilities for persons under age 22, under the Nursing Home Care Act.

Section 390.340 is being amended to update incorporated and referenced materials. Codes and standards are updated to more recent editions; addresses are corrected and added; format is clarified to distinguish between incorporated and referenced materials; statutory citations are changed from Illinois Revised Statutes to Illinois Compiled Statutes; rules and statutes cited elsewhere in this Part are added.

Section 390.2620 is being amended to update the incorporation of the National Fire Protection Association Life Safety Code for new facilities

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to the 1997 edition. Other incorporated materials are updated and clarified, and the BOCA International Building Code (1996) is substituted for the Uniform Building Code (1982).

Section 390.3230 is being repealed. The Department has adopted new requirements on the use of restraints (see 20 Ill. Reg. 12049), effective September 10, 1996.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Gail Devito
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
(rules@idph.state.il.us)

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse License Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.315	Supported Congregate Living Arrangement Demonstration
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

Section	Administrator
390.500	
Section	
390.610	Management Policies
390.620	Resident Care Policies
390.630	Admission and Discharge Policies
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.681	Health Care Worker Background Check
390.683	Registry of Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section	
390.810	General
390.820	Categories of Personnel
390.830	Consultation Services
Section	
390.1010	Service Programs
390.1020	Medical Services
390.1025	Life-Sustaining Treatments
390.1030	Physician Services
390.1035	Tuberculin Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services
390.1120	Work Activity and Prevocational Training Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

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MANAGEMENT

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390.1310	Restraints
390.1312	Nonemergency Use of Physical Restraints
390.1314	Emergency Use of Physical Restraints
390.1316	Unnecessary, Psychotropic, and Antipsychotic Drugs
390.1320	Behavior Management
390.1330	Behavior Emergencies (Repealed)

SUBPART G: MEDICATIONS

Section	
390.1410	Medication Policies and Procedures
390.1420	Conformance with Physician's Orders
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390.1610	Resident Record Requirements
390.1620	Content of Medical Records
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Section	
390.1810	Director of Food Services
390.1820	Dietary Staff in Addition to Director of Food Services
390.1830	Hygiene of Dietary Staff
390.1840	Diet Orders
390.1850	Adequacy of Diet and Meal Pattern
390.1860	Infant and Therapeutic Diets
390.1870	Scheduling Meals
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390.1920	Kitchen Equipment, Utensils, and Supplies

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SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section

390.2010 Maintenance
390.2020 Housekeeping
390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

390.2210 Furnishings
390.2220 Equipment and Supplies
390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

390.2410 Codes
390.2420 Water Supply
390.2430 Sewage Disposal
390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section

390.2610 Applicability of these Standards
390.2620 Codes and Standards
390.2630 Preparation of Drawings and Specifications
390.2640 Site

390.2650 Administration and Public Areas

390.2660 Nursing Unit

390.2670 Dining, Play, Activity/Program Rooms

390.2680 Therapy and Personal Care

390.2690 Service Departments

390.2700 General Building Requirements

390.2710 Structural

390.2720 Mechanical Systems

390.2730 Plumbing Systems

390.2740 Electrical Systems

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section

390.2910 Applicability

390.2920 Codes and Standards

390.2930 Preparation of Drawings and Specifications

390.2940 Site

390.2950 Administration and Public Areas

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390.2960 Nursing Unit

390.2970 Play, Dining, Activity/Program Rooms

390.2980 Treatment and Personal Care

390.2990 Service Department

390.3000 General Building Requirements

390.3010 Structural

390.3020 Mechanical Systems

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390.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section

390.3210 General

390.3220 Medical and Personal Care Program

390.3230 Restraints (Repealed)

390.3240 Abuse and Neglect

390.3250 Communication and Visitation

390.3260 Resident's Funds

390.3270 Residents' Advisory Council

390.3280 Contract With Facility

390.3290 Private Right of Action

390.3300 Transfer or Discharge

390.3310 Complaint Procedures

390.3320 Confidentiality

390.3330 Facility Implementation

SUBPART P: DAY CARE PROGRAMS

Section

390.3510 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation and Illustrative Services for Long-Term Care

Facility for Residents Under 22 Years of Age

APPENDIX B Forms for Day Care in Long-Term Care Facilities

APPENDIX C Guidelines for the Use of Various Drugs

TABLE A Infant Feeding

TABLE B Daily Nutritional Requirements By Age Group

TABLE C Sound Transmissions Limitations

TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for

New Long-Term Care Facilities for Persons Under Twenty-Two (22)

Years of Age

TABLE E Sprinkler Requirements

TABLE F Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

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SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. 4062, effective February 13, 1998; amended at 22 Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. 16516, effective April 15, 1998.

SUBPART A: GENERAL PROVISIONS

Section 390.340 Incorporated and Referenced Materials

- a) The following regulations and 7 standards and 7 statutes are incorporated or referenced in this Part:
- 1) Private and Professional Association Standards;
 - 1) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1998 1980), which may

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be obtained from the American Dietetic Association, 216 West Jackson 430--North-Michigan-Avenue, Chicago, Illinois 60606-6995 69611.

2) American National Standards Institute-----Standard A17-1-04--Safety-Code-for-Elevators-and-Escalators-(1985), which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017.

A) Standard No. A17.1-1-1971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped; and

B) Standard No. A17.1-1-1995, Safety Code for Elevators and Escalators.

3) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (1997) (1977), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329. 7-United Engineering-Center-345-East-47th-Street--New-York--New-York-10017.

4) The following standards of the American Society for Testing and Materials (ASTM): 1) Standard No. B-84-1977A--Method-of-Test for-Surface-Burning-Characteristics-of-Building-Materials; 1) Standard No. E90-1975: Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions, which may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

5) BOCA International Building Code (1996), which may be obtained from Building Officials and Code Administrators International, Inc., 4051 Flossmoor Road, Country Club Hills, Illinois 60478-5795. International-Conference-of-Building-Officials-Uniform-Building-Code-(1976-and-1982).

6) For existing facilities (see Subpart N), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981) and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Battery Park, Quincy, Massachusetts 02269:

A) No. 10 (1978): Standards for Portable Extinguishers

B) No. 13 (1980): Standards for the Installation of Sprinkler Systems

C) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems

D) No. 70 (1981): National Electric Code

E) No. 90A (1978): Installation of Air Conditioning and Ventilating Systems

F) No. 96 (1980): Standard for the Installation of Equipment

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for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment
 †† No. 220 (1979): Standards Types of Building Construction
 ††† No. 253 (1978): Flooring Radiant Heat Energy Test
 ††† No. 255 (1972): Test of Surface Burning Characteristics of Building Materials
 Appendix C (1981): Fire Safety Evaluation System for Health Occupancies

7) For new facilities (see Subpart M), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (1997), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.

St Compressed Gas Association--Pamphlet--P-2-1--Standard--for Medical Surgical Vacuum Systems in Hospitals--(1976)-

8)H) Underwriters¹ Laboratories Laboratory, Inc.7 (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:

A) Fire Resistance Directory Index (1998 Edition),

B) Building Material Directory (1998 Edition), and

C) Automotive Burglary Protection Mechanical Equipment
Directory (1997 Edition) 7---and---Standard---Not---191
(1974)7---Factory---Made---Air---Duct---Materials---and---Air---Duct
connectors.

9) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.

10) ~~7~~ Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.

1111) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.

54 Council on Social Work Education, Requirements for an Approved School of Social Work (1967), which may be obtained from the Council on Social Work Education, 111 Eighth Avenue, New York, New York 10011.

b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:

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1)2) Federal statutes and-regulations:

A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
B) Social Security Act (42 U.S.C. 301 et seq., 1395 et seq.)

1396 et seq.)

2) State of Illinois statutes States:

A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305] ([Ill.-Rev.-Stat.-1987-ch.-111-1/2-par.-6351-1-1-et seq.-7](#))

B) Boiler and Pressure Vessel Safety Act [430 ILCS 75] †††††
Rev.-Stat.-1987-ch.-111-1/27-par.-3201-et-seq.-†

C) Child Care Act of 1969 [225 ILCS 10] {Ill.-Rev.-Stat.-1987-
ch.-237-par.-2211-et-seq-}

D) Civil Practice Act [735 ILCS 5] {Ill.-Rev.-Stat.-1987-ch-1107-par.-2-101-et-seq-}

E) Court of Claims Act [705 ILCS 505] (Ill.--Rev.--Stat.--1987?
ch.-377-par.-439-1-et-seq-)

F) The Illinois Dental Practice Act [225 ILCS 25] (Ill.-Rev. Stat.-1987-ch.-117-par.-2301-et-seq-7)

G) The Election Code [10 ILCS 5] (Ill.-Rev.-Stat.-1987-ch.-467
part-1-1-et-seq-7)

H) Freedom of Information Act [5 ILCS 140]
19877-ch-1167-par-201-et-seq-7 {111:--Rev--Stat-}

I) General Not For Profit Corporation Act [805 ILCS 105] (Rev. Stat. 1987 ch. 327 par. 101-01 et seq.)

AN-AGE-in-relation-to-homes-for-the-aged"-(III)-Rev.--Stat:
1987-7-ch-347-par-3561-et-seq-7)

J)K Hospital Licensing Act [210 ILCS 85]
ch.-11-1/27-par-142-et-seq-7
111-Rev-Stat--1987

Rev: Stat--19877-ch--56-1/27-par--1100-et-seq7

LJMJ Illinois Health Facilities Planning Act [20 ILCS 3906
(Ill.-Rev.-Stat.-1907)-ch.-111-1/27-par.-1151-et-seq-)

MJN Article--17-Division-37 Illinois Municipal Code [65 ILCS 5
(Ill.-Rev.-Stat.-1907-ch.-247-par.-1-3-1-et-seq.)

NJ) Life Care Facilities Act [210 LCS 40]
1987- ch-111-172-par-4160-1-et-seq-7

U/P Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10] (Ill.-Rev.-Stat.-1987-ch.-85-par.-1-101 et-seq-1)

P10 Medical Practice Act of 1987 [225 ILCS 60] (Ill.-Rev.-Stat.: 1987-ch.-117-par.-4400-1-et-seq-)

Q107 Mental Health and Developmental Disabilities Code [405 ILCS 51-1-27-par-1-100-et-seq-]

R/S) The Illinois Nursing Act of 1987 [225 ILCS 65]
Stat:-1987-ch.-117-par:-3501-et-seq-)

S)† Nursing Home Administrators Licensing and Disciplinary Act
[225 ILCS 70] †ill-Rev-Stat--1987-ch-117-par--3651-et
seq-†

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- T)B) Nursing Home Care Act [210 ILCS 45] {111-Rev-Stat-1987-
ch-111-1-27-par-411-101-et-seq-7-as-amended-by-Public-Act
85-968-effective-December-9-1987--Public-Act-85-11837
effective-August-13-1988--and-Public-Act-85-1378-effective
September-17-1988}
- U)V) Illinois Occupational Therapy Practice Act [225 ILCS 75]
{111-Rev-Stat-1987-ch-111-par-3781-et-seq-7}
- V)W) Pharmacy Practice Act of 1987 [225 ILCS 85] {111-Rev-
Stat-1987-ch-111-par-421-et-seq-7}
- W)X) Illinois Physical Therapy Act of 1985 [225 ILCS 90] {111-
Rev-Stat-1987-ch-111-par-421-et-seq-7}
- X)Y) Private Sewage Disposal Licensing Act [225 ILCS 225] {111-
Rev-Stat-1987-ch-111-1-27-par-116-301-et-seq-7}
- Y)Z) Probate Act of 1975 [755 ILCS 5] {111-Rev-Stat-1987-ch-
110-1-27-par-1-1-et-seq-7}
- Z)AA) The Illinois Public Aid Code [305 ILCS 5] {111-Rev-Stat-
1987-ch-237-par-1-1-et-seq-7}
- AA)BB) Safety Glazing Materials Act [430 ILCS 60] {111-Rev-
Stat-1987-ch-111-1-27-par-3101-et-seq-7}
- BB)CC) The School Code [105 ILCS 5] {111-Rev-Stat-1987-ch-
127-par-1-1-et-seq-7}
- CC) Illinois Administrative Procedure Act [5 ILCS 100]
- DD) Clinical Psychologist Licensing Act [225 ILCS 15]
- EE) Dietetic and Nutrition Services Practices Act [225 ILCS 30]
- FF) Health Care Worker Background Check Act [225 ILCS 46]
- GG) Criminal Code of 1961 [720 ILCS 5]
- HH) Cannabis Control Act [720 ILCS 550]
- II) Clinical Social Work and Social Work Practice Act [225 ILCS
20]
- JJ) Living Will Act [755 ILCS 35]
- KK) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
- LL) Health Care Surrogate Act [755 ILCS 40]
- MM) Right of Conscience Act [745 ILCS 70]
- NN) Abused and Neglected Long-Term Care Facility Residents
Reporting Act [210 ILCS 30]
- OO) Supportive Residences Licensing Act [210 ILCS 65]
- PP) Community Residential Alternatives Licensing Act [210 ILCS
40]
- QQ) Community Living Facilities Licensing Act [210 ILCS 35]
- RR) Community-Integrated Living Arrangements Licensure and
Certification Act [210 ILCS 135]
- SS) Counties Code [55 ILCS 5]
- 3)4) State of Illinois rules:
- A) Office-of-the-State-Fire-Marshall-Fire-Prevention-and-Safety
{41-111-Adm-Code-1007}
- A)B) Office of the State Fire Marshal, Boiler and Pressure
Vessel Safety (41 Ill. Adm. Code 120)
- B)C) Capital Development Board, Illinois Accessibility Code (71

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- Ill. Adm. Code 400)
- C)B) Department of Public Health
- i) Control of Communicable Diseases Code (77 Ill. Adm.
Code 690)
- ii)B) Department-of-Public-Health Control of Sexually
Transmissible Diseases Code (77 Ill. Adm. Code 693)
- iii)B) Department-of-Public-Health Food Service Sanitation
Code (77 Ill. Adm. Code 750)
- iv)B) Department-of-Public-Health Illinois Plumbing Code
(77 Ill. Adm. Code 890)
- v)B) Department-of-Public-Health Private Sewage Disposal
Code (77 Ill. Adm. Code 905)
- vi)B) Department-of-Public-Health Drinking Water Systems
Code (77 Ill. Adm. Code 900)
- vii)B) Department-of-Public-Health Illinois Water Well
Construction Code (77 Ill. Adm. Code 920)
- viii)B) Department-of-Public-Health Illinois Water Well
Pump Installation Code (77 Ill. Adm. Code 925)
- ix) Freedom of Information Code (2 Ill. Adm. Code 1126)
- x) Rules of Practice and Procedure in Administrative
Hearings (77 Ill. Adm. Code 100)
- xi) Skilled Nursing and Intermediate Care Facilities Code
(77 Ill. Adm. Code 300)
- xii) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
- xiii) Intermediate Care for the Developmentally Disabled
Facilities Code (77 Ill. Adm. Code 350)
- xiv) Long-Term Care Assistants and Aides Training Programs
Code (77 Ill. Adm. Code 395)
- D)B) Department of Professional Regulation, Controlled
Substances Act (77 Ill. Adm. Code 3100)
- E)M) Department of Human Services Alcoholism--and--Substance
Abuse, Alcoholism and Substance Abuse Treatment,
Intervention and Research Programs (77 Ill. Adm. Code 2058)
- N) Department-of-Public-Aid Access-to-Cost-Reports--{89-111-
Adm-Code-140-544}
- F)B) Department of Natural Resources Transportation, Regulation
of Construction within Flood Plains (17 92 Ill. Adm. Code
2706 796)
- b) All--incorporations--by--reference--of--federal--regulations--and--the
standards--of--nationally--recognized--organizations--refer--to--the
regulations--and--standards--on--the--date--specified--and--do--not--include--any
additions--or--deletions--subsequent--to--the--date--specified--
- c) All--citations--to--federal--regulations--in--this--part--concern--the
specified--regulation--in--the--1986--Code--of--Federal--Regulations--unless
another--date--is--specified--

(Source: Amended at 22 / Ill. Reg. 10576, effective
SEP 18 1998)

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of the 1981 edition of the Life-Safety Code (NFPA-101) shall be used by the Department in determining whether any facility is proposed equivalent system is safe and does not constitute a hazard to the life and safety of the staff and residents in making its determination regarding the proposed equivalent system; the Department shall consider those factors listed in Appendix C.

e) Pursuant to the Medicare/Medicaid certification requirements of 42 CFR 405.1134(a) (1983) and 42 CFR 442.321(c) (1983), any skilled nursing facility that on December 4, 1980 or on November 26, 1982, or any intermediate care facility that on November 26, 1982, complied with the requirements of the 1967 or 1973 edition of the Life Safety Code will be considered to be in compliance with Section 390.2620(a)(2)(A)(i), as long as the facility continues to remain in compliance with that edition of the Code.

f) Amendments to this Section effective August 31, 1998, supersede all other codes and standards incorporated in this Subpart M.

(Source: Amended at 22 Ill. Reg. 16576, effective 8/31/98)

SUBPART O: RESIDENT'S RIGHTS

Section 390.3230 Restraints (Repealed)

- a) Neither physical restraints nor confinements shall be employed for the purpose of punishment or for the convenience of any facility personnel. No physical restraints or confinements shall be employed except as ordered by a physician who documents the need for such restraints or confinements in the resident's clinical record. (B) (Section 2-106 of the Act)
- b) Restraints and confinements may be employed only when necessary to prevent a resident from injuring himself or others. The physician's written authorization shall specify the precise time periods and conditions in which any restraints and confinements shall be employed. (B)
- c) Neither shall medication be employed by a facility as a restraint or confinement except as employed as part of a duty prescribed therapeutic medical treatment program authorized by the resident's physician and documented in the resident's clinical record. (B)
- d) No resident shall be subjected to any behavior modification program which utilizes restraints or confinements or adverse stimuli of any nature unless and until the informed consent of such resident, resident's guardian or parent of a minor resident has been obtained. (B)

(Source: Repealed 8/31/98 at 22 Ill. Reg. 16576, effective 8/31/98)

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- 1) Heading of the Part: Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3) Section Numbers: Adopted Action:
330.340 Amendments
330.3040
330.4230 Repealer
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective date of amendments: September 18, 1998
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) Notice(s) of Proposal was Published in Illinois Register: December 5, 1997 - 21 Ill. Reg. 15412

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 330.340(a)(2), "For existing facilities (see Subpart O)," was added; "Chapter 33 (1997)" was deleted; and strikeouts were removed from "Appendix--B--(1981)--Standard No. 70;--National--Electric Code--(1981)".

2. A new Section 330.340(a)(3) was added:

"3) For new facilities (see Subpart M), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (1997), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02269."

3. A new Section 330.3040(c) was added:

"c) Amendments to this Section effective September 1, 1998, supersede all other codes and standards incorporated in this Subpart M."

The following changes were made in response to comments and suggestions of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

JCAR:

1. In Section 330.340(c)(3)(B)(xi), "Sheltered" was changed to "Skilled Nursing and Intermediate".
2. In Section 330.340(c)(3)(D), "Alcoholism and Substance Abuse" was changed to "Human Services".
3. In Section 330.340(c)(3)(E), all existing language was stricken and underlined language was deleted.
4. The effective date of the rules was added in Section 330.3040(c).

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? All changes have been made.

- 13) Will these amendments replace emergency amendments currently in effect?
NO

- 14) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
330.160	Amendments	22 Ill. Reg. 6166
330.163	New Section	22 Ill. Reg. 6166
330.330	Amendments	22 Ill. Reg. 13522
330.720	Amendments	22 Ill. Reg. 6166
330.911	Amendments	22 Ill. Reg. 6166
330.1130	Amendments	22 Ill. Reg. 13522
330.1135	Amendments	22 Ill. Reg. 13522
330.1710	Amendments	22 Ill. Reg. 13522
330.1940	Amendments	22 Ill. Reg. 13522
330.1950	Amendments	22 Ill. Reg. 13522
330.1960	Repealer	22 Ill. Reg. 13522
330.1980	Amendments	22 Ill. Reg. 13522
330.Appendix A	Repealer	22 Ill. Reg. 13522

- 15) Summary and purpose of the amendments: The rules in Part 330 regulate the licensure of sheltered care facilities under the Nursing Home Care Act.

Section 330.340 is being amended to update incorporated and referenced materials. Codes and standards are updated to more recent editions; addresses are corrected and added; format is clarified to distinguish between incorporated and referenced materials; statutory citations are changed from Illinois Revised Statutes to Illinois Compiled Statutes; rules and statutes cited elsewhere in this Part are added.

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Section 330.3040 is being amended to update the incorporation of the National Fire Protection Association Life Safety Code for new facilities to the 1997 edition. Other incorporated materials are updated and clarified, and the BOCA International Building Code (1996) is substituted for the Uniform Building Code (1982).

Section 330.4230 is being repealed. The Department has adopted new requirements on the use of restraints (see 20 Ill. Reg. 12160), effective September 10, 1996.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Gail DeVito
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
(rules @ idph.state.il.us).

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 330

SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.165	Criteria for Adverse Licensure Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitoring and Receivership
330.271	Presentation of Findings
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.315	Supported Congregate Living Arrangement Demonstration
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

Section	
330.510	Administrator

SUBPART C: POLICIES

Section	
330.710	Resident Care Policies
330.720	Admission and Discharge Policies
330.730	Contract Between Resident and Facility
330.740	Residents' Advisory Council
330.750	General Policies
330.760	Personnel Policies
330.765	Initial Health Evaluation for Employees
330.770	Disaster Preparedness
330.780	Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section	
330.910	Personnel
330.911	Health Care Worker Background Check
330.913	Nursing and Personal Care Assistants (Repealed)
330.916	Student Interns (Repealed)
330.920	Consultation Services
330.930	Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section	
330.1110	Medical Care Policies
330.1120	Personal Care
330.1125	Life Sustaining Treatments
330.1130	Communicable Disease Policies
330.1135	Tuberculin Skin Test Procedures
330.1140	Behavior Emergencies (Repealed)
330.1145	Restraints
330.1150	Emergency Use of Physical Restraints
330.1155	Unnecessary, Psychotropic, and Antipsychotic Drugs

SUBPART F: RESTORATIVE SERVICES

Section	
330.1310	Activity Program
330.1320	Work Programs
330.1330	Written Policies for Restorative Services

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SUBPART G: MEDICATIONS

Section	
330.1510	Medication Policies
330.1520	Administration of Medication
330.1530	Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section	
330.1710	Resident Record Requirements
330.1720	Content of Medical Records
330.1730	Records Pertaining to Residents' Property
330.1740	Retention and Transfer of Resident Records
330.1750	Other Resident Record Requirements
330.1760	Retention of Facility Records
330.1770	Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section	
330.1910	Director of Food Services
330.1920	Dietary Staff in Addition to Director of Food Services
330.1930	Hygiene of Dietary Staff
330.1940	Diet Orders
330.1950	Adequacy of Diet and Meal Pattern
330.1960	Therapeutic Diets
330.1970	Scheduling of Meals
330.1980	Menu Planning
330.1990	Food Preparation and Service
330.2000	Food Handling Sanitation
330.2010	Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section	
330.2210	Maintenance
330.2220	Housekeeping
330.2230	Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section	
330.2410	Furnishings
330.2420	Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

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Section	Codes
330.2610	Water Supply
330.2620	Sewage Disposal
330.2630	Plumbing
330.2640	

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

Section	
330.2810	Applicable Requirements (Repealed)
330.2820	Applicability of These Standards
330.2830	Submission of a Program Narrative
330.2840	New Constructions, Additions, Conversions, and Alterations
330.2850	Preparation and Submission of Drawings and Specifications
330.2860	First Stage Drawings
330.2870	Second Stage Drawings
330.2880	Architectural Drawings
330.2890	Structural Drawings
330.3000	Mechanical Drawings
330.3010	Electrical Drawings
330.3020	Additions to Existing Structures
330.3030	Specifications
330.3040	Building Codes
330.3050	Site
330.3060	General Building Requirements
330.3070	Administration
330.3080	Corridors
330.3090	Bath and Toilet Rooms
330.3100	Living, Dining, Activity Rooms
330.3110	Bedrooms
330.3120	Special Care Room
330.3130	Kitchen
330.3140	Laundry
330.3150	Housekeeping, Service, and Storage
330.3160	Plumbing
330.3170	Heating
330.3180	Electrical

SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

Section	
330.3310	Applicable Requirements (Repealed)
330.3320	Applicability of These Standards
330.3330	Fire Protection
330.3340	Fire Department Service and Water Supply
330.3350	General Building Requirements

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330.3360 Exit Facilities and Subdivision of Floor Areas
 330.3370 Stairways, Vertical Openings, and Doorways
 330.3380 Corridors
 330.3390 Exit Lights and Directional Signs
 330.3400 Hazardous Areas and Combustible Storage
 330.3410 Fire Alarm and Detection System
 330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous
 330.3430 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR
 EXISTING SHELTERED CARE FACILITIES

Section
 330.3610 Site
 330.3620 General Building Requirements
 330.3630 Administration
 330.3640 Corridors
 330.3650 Bath and Toilet Rooms
 330.3660 Living, Dining, and Activity Rooms
 330.3670 Bedrooms
 330.3680 Special Care Room
 330.3690 Kitchen
 330.3700 Laundry Room
 330.3710 Housekeeping and Service Rooms and Storage Space
 330.3720 Plumbing and Heating
 330.3730 Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING
 SHELTERED CARE FACILITIES

Section
 330.3910 Fire Protection
 330.3920 Fire Department Service and Water Supply
 330.3930 Occupancy and Fire Areas
 330.3940 Exit Facilities and Subdivision of Floor Areas
 330.3950 Stairways, Vertical Openings, and Doorways
 330.3960 Exit and Fire Escape Lights and Directional Signs
 330.3970 Hazardous Areas and Combustible Storage
 330.3980 Fire Alarm and Detection System
 330.3990 Fire Extinguishers, Electric Wiring, and Miscellaneous
 330.4000 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

Section
 330.4210 General
 330.4220 Medical and Personal Care Program
 330.4230 Restraints (Repealed)

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330.4240 Abuse and Neglect
 330.4250 Communication and Visitation
 330.4260 Resident's Funds
 330.4270 Residents' Advisory Council
 330.4280 Contract With Facility
 330.4290 Private Right of Action
 330.4300 Transfer or Discharge
 330.4310 Complaint Procedures
 330.4320 Confidentiality
 330.4330 Facility Implementation

SUBPART R: DAY CARE PROGRAMS

Section
 330.4510 Day Care in Long-Term Care Facilities
 APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities
 APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
 APPENDIX C Forms for Day Care in Long-Term Care Facilities
 APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation
 APPENDIX E Guidelines for the Use of Various Drugs
 TABLE A Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991;

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amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg. 4078, effective February 13, 1998; amended at 22 Ill. Reg. 7203, effective April 15, 1998; amended at 22 Ill. Reg. ~~16394~~ **16393**, effective ~~April 15, 1998~~ **April 15, 1998**.

SUBPART A: GENERAL PROVISIONS

Section 330.340 Incorporated and Referenced Materials

- a) The following private and professional association regulations, standards, and statutes are incorporated or referenced in this Part:
- 1) Private and Professional Association Standards
- 1A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1998 1980), which may be obtained from the American Dietetic Association, 216 W. Jackson 430--North Michigan Avenue, Chicago, Illinois 60606-6995 69611.
- 2) For existing facilities (see Subpart O), National Fire Protection Association (NFPA), Standard No. 101: Life Safety Code, Appendix B (1981) and Standard No. 70: National Electric Code (1981), which may be obtained from the National Fire Protection Association, 1 Batterymarch Battery Park, Quincy, Massachusetts 02269.
- 3) For new facilities (see Subpart M), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (1997), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.
- 4) Record Medical Record Association, Requirements for Medical Record Practitioners Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.
- 5) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington

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- Heights, Illinois 60004.
- 6) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia VA 22302.
- b) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
- 1) Federal statutes and regulations:
- A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
- B) Social Security Act (42 U.S.C. 301 et seq., 1395 et seq. and 1396 et seq.)
- 2) State of Illinois statutes:
- A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305] (1987--Stat--1987--ch--111-172--par--6951-1-et seq--)
- B) Child Care Act of 1969 [225 ILCS 10] (1987--Stat--1987--ch--237--par--2211-et-seq--)
- C) Court of Claims Act [705 ILCS 505] (1987--Stat--1987--ch--377--par--439-1-et-seq--)
- D) The Illinois Dental Practice Act [225 ILCS 25] (1987--Stat--1987--ch--117--par--23017-et-seq--)
- E) The Election Code [10 ILCS 5] (1987--Stat--1987--ch--467 par--1-1-et-seq--)
- F) Freedom of Information Act [5 ILCS 140] (1987--Stat--1987--ch--1167--par--201-et-seq--)
- G) General Not For Profit Corporation Act of 1986 [805 ILCS 105] (1987--Stat--1987--ch--327--par--101-01-et-seq--)
- H) Hospital Licensing Act [210 ILCS 85] (1987--Stat--1987--ch--111-172--par--142-et-seq--)
- I) Illinois Health Facilities Planning Act [20 ILCS 3906] (1987--Stat--1987--ch--111-172--par--1151-et-seq--)
- J) Article--37--Division--37-- Illinois Municipal Code [65 ILCS 5] (1987--Stat--1987--ch--247--par--1-3-1-et-seq--)
- K) Life Care Facilities Act [210 ILCS 40] (1987--Stat--1987--ch--111-172--par--4169-1-et-seq--)
- L) Local Government and Governmental Employees Tort Immunity Act [745 ILCS 10] (1987--Stat--1987--ch--857--par--1-101-et-seq--)
- M) Medical Practice Act of 1987 [225 ILCS 60] (1987--Stat--1987--ch--1117--par--4400-1-et-seq--)
- N) Mental Health and Developmental Disabilities Code [405 ILCS 5] (1987--Stat--1987--ch--91-1-172--par--1-100-et-seq--)
- O) The Illinois Nursing Act of 1987 [225 ILCS 65] (1987--Stat--1987--ch--1117--par--4400-1-et-seq--)

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- Stat--1987--ch--111--par--3501-et-seq--
 P) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70] {111--Rev--Stat--1987--ch--111--par--3501-et-seq--
 Q) Nursing Home Care Act [210 ILCS 45] {111--Rev--Stat--1985--ch--111--1/2--par--4151-et-seq--as-amended-by-Public--Act--85-968--effective--December--9--1987--Public--Act--85-1183--effective--August--13--1988--and-Public--Act--85-1378--effective--September--17--1988}
 R) Illinois Occupational Therapy Practice Act [225 ILCS 75] {111--Rev--Stat--1987--ch--111--par--3701-et-seq--
 S) Pharmacy Practice Act of 1987 [225 ILCS 85] {111--Rev--Stat--1987--ch--111--par--4121-et-seq--
 T) Illinois Physical Therapy Act [225 ILCS 90] {111--Rev--Stat--1987--ch--111--par--4251-et-seq--
 U) Private Sewage Disposal Licensing Act [225 ILCS 225] {111--Rev--Stat--1987--ch--111--1/2--par--116301-et-seq--
 V) Probate Act of 1975 [755 ILCS 5] {111--Rev--Stat--1987--ch--110--1/2--par--11-et-seq--
 W) The Illinois Public Aid Code [305 ILCS 5] {111--Rev--Stat--1987--ch--237--par--11-et-seq--
 X) Illinois Administrative Procedure Act [5 ILCS 100]
 Y) Clinical Psychologist Licensing Act [225 ILCS 15]
 Z) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
 AA) Health Care Worker Background Check Act [225 ILCS 46]
 BB) Criminal Code of 1961 [720 ILCS 5]
 CC) Cannabis Control Act [720 ILCS 550]
 DD) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
 EE) Living Will Act [755 ILCS 35]
 FF) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
 GG) Health Care Surrogate Act [755 ILCS 40]
 HH) Right of Conscience Act [745 ILCS 70]
 II) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
 JJ) Illinois Controlled Substances Act [720 ILCS 570]
 KK) Supportive Residences Licensing Act [210 ILCS 65]
 LL) Community Residential Alternatives Licensing Act [210 ILCS 140]
 MM) Community Living Facilities Licensing Act [210 ILCS 35]
 NN) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
 OO) Counties Code [55 ILCS 5]
 314) State of Illinois rules:
 A) Office-of-the-State-Fire-Marshal--Fire-Prevention-and-Safety {41--111--Adm--Code--100}
 A)B) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)

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- B)9) Department of Public Health
 i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 ii)B) Department--of--Public--Health--Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
 iii)B) Department--of--Public--Health--Food Service Sanitation Code (77 Ill. Adm. Code 750)
 iv)F) Department--of--Public--Health--Illinois Plumbing Code (77 Ill. Adm. Code 890)
 v)S) Department--of--Public--Health--Private Sewage Disposal Code (77 Ill. Adm. Code 905)
 vi)H) Department--of--Public--Health--Drinking Water Systems Code (77 Ill. Adm. Code 900)
 vii)J) Department--of--Public--Health--Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
 viii)J) Department--of--Public--Health--Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
 ix) Freedom of Information Code (2 Ill. Adm. Code 1126)
 x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
 xi) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 330)
 xii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
 xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
 xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
 C)H) Department of Professional Regulation, Controlled Substances Act (77 Ill. Adm. Code 3100)
 D)5) Department of Human Services Alcoholism--and--Substance Abuse, Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058)
 M) Department--of--Public--Aid--Access-to-Gest--Reports--{89--111--Adm--Code--140-544}
 b) All--incorporations--by--reference--of--federal--regulations--and--the standards--of--nationally--recognized--organizations--refer--to--the regulations--and--standards--on--the--date--specified--and--do--not--include--any additions--or--deletions--subsequent--to--the--date--specified--
 c) All--citations--to--federal--regulations--in--this--part--concern--the specified--regulation--in--the--1986--Code--of--Federal--Regulations--unless another--date--is--specified--

(Source: Amended 1987 22 Ill. Reg. 16594, effective 1/1/88)

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

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Section 330.3040 Building Codes

- a) The design and construction of the facility shall meet the minimum requirements of the following codes and regulations Codes--and Regulations except as modified within this Part: (A)-B)
- 1) National Fire Protection Association (NFPA) Standard No. 101: Association's--National-Fire-Codes--including-but-not-limited-to:
 - A) The Life Safety Code--(A)-B), 1997 Edition (New Health Care Occupancies) and all appropriate references under Chapter 33
 - B) The-National-Electric-Code--(A)-B)
 - 2) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health--(A)-B)
 - 3) Fire-Prevention-and-Safety-(41-III-Adm-Code-100)-Office-of-the State-Fire-Marshal--(A)-B)
 - 3)4) Illinois Accessibility Code (71 Ill. Adm. Code 400), Capital Development Board--(A)-B)
 - 4)5) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health--(A)-B)
 - b) In addition to the codes and regulations Codes-and-Regulations listed in this Section, the design and construction of the facility shall meet the minimum requirements of all applicable local building codes and ordinances. (A)-B)
 - c) Amendments to this Section effective August 31, 1998, supersede all other codes and standards incorporated in this Subpart M.

(Source: Amended at 22 Ill. Reg. 10594, effective SEP 18 1998)

SUBPART Q: RESIDENT'S RIGHTS

Section 330.4230 Restraints (Repealed)

- a) Neither-physical-restraints-nor-confinements-shall-be-employed-for-the purpose--of--punishment--or--for--the--convenience--of--any--facility personnel--No-physical-restraints-or-confinements-shall-be-employed except-as-ordered-by-a-physician-who-documents--the--need--for--such restraints--or--confinements--in--the--resident's--clinical--record--(Section-2-106-of-the-Act)-(B)
- b) Restraints-and-confinements-may-be-employed-only-when-necessary--to prevent-a-resident-from-injuring-himself-or-others--The-physician's written-authorization-shall-specify--the--precise--time--periods--and conditions-in-which-any-restraints-and-confinements-shall-be-employed-(B)
- c) No-chemical--medication--or--tranquilizer--shall-be-employed--by-a facility-as-a-restraint-or-confinement-in-lieu-of--or--in-addition--to any-physical-restraint-or-confinement--Such-chemicals--medications--or tranquilizers--may-only-be-employed-as-part-of-a-duty-prescribed therapeutic-medical-treatment-program-authorized-by--the--resident's

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- d) physician-and-documented-in-the-resident's-clinical-record--(B) No--resident--shall--be-subjected-to-any-behavior-modification-program which-utilizes-restraints--confinements--or-aversive--stimuli--of--any nature--unless--and--until--the--informed--consent--of--such-resident--resident's-guardian--or-parent-of-a-minor-resident-has-been-obtained--(B)

(Source: Repealed at 22 Ill. Reg. 10594, effective SEP 18 1998)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code

2) Code Citation: 77 Ill. Adm. Code 300

3) Section Numbers: Adopted Action:

300.340 Amendments

300.2820 Amendments

300.3230 Repealer

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) Effective date of amendments: September 18, 1998

6) Does this amendment contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) Notice(s) of Proposal was Published in Illinois Register: December 5, 1997 - 21 Ill. Reg. 15425

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 300.340(a)(1)(F), "For existing facilities (see Subpart O)" was added; "Chapter 33 (1997)" was deleted; and strikeouts were removed from "Appendix---B--(1991)--and--the--following--additional standards".

2. Strikouts were removed in Sections 300.340(a)(1)(F)(i)-(ix).

3. A new Section 300.340(a)(1)(F)(x) was added:

"x) Appendix C (1981): Fire Safety Evaluation System for Health Occupancies"

4. A new Section 300.340(a)(1)(G) was added:

"G) For new facilities (see Subpart N), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (1997), which may be obtained from the National Fire Protection

DEPARTMENT OF PUBLIC HEALTH

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Association, 1 Batterymarch Park, Quincy, Massachusetts, 02269."

5. In Section 300.340(a)(2)(E), "(July 1982)" was stricken and "(February 1994)" was added.

6. In Section 300.340(a)(2)(E), "Precautions" was added after "Isolation"; "(July 1983)" was stricken and "(January 1996)" was added.

7. In Section 300.340(c)(2)(T), "and Disciplinary" was added after "Licensing".

8. In Section 300.2820(a)(2)(G), all underlined text was deleted and all remaining text was stricken.

9. In Section 300.2820(d), "1981" was stricken and "1997" was added.

10. A new Section 300.2820(f) was added:

"f) Amendments to this Section effective September 1, 1998, supersede all other codes and standards incorporated in this Subpart N."

The following changes were made in response to comments and suggestions of JCAR:

1. New Sections 300.340(a)(1)(B)(i) and (ii) were added:

"i) Standard No. AL77.1-R1971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped

ii) Standard No. AL7.1-1995, Safety Code for Elevators and Escalators"

2. In Section 300.340(a)(1)(H)(i), "Index" was stricken; "Directory" was added; "(all editions)" was deleted and "1998 Edition" was added.

3. In Section 300.340(a)(1)(H)(ii), "(all editions)" was deleted and "1998 Edition" was inserted.

4. A new Section 300.340(a)(1)(H)(iii) was added:

"iii) Automotive Burglary Protection Mechanical Equipment Directory (1997 Edition)"

5. In Section 300.340(c)(3)(E) "Alcoholism and Substance Abuse" was stricken and "Human Services" was added.

6. Section 300.340(c)(3)(F) [formerly (N)] was stricken; "(G)" was

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NOTICE OF ADOPTED AMENDMENTS

re-labeled as "(F)".

7. In Section 300.340(c)(3)(F), "Transportation" was stricken and "Natural Resources" was added; "706" was stricken and "2706" was added.

8. In Section 300.2820(a)(2)(B)(i), "Index" was stricken and "Directory" was added; "All Editions" was stricken and "1998 Edition" was added.

9. In Section 300.2820(a)(2)(B)(ii), "All Editions" was stricken and "1998 Edition" was added.

10. A new Section 300.2820(a)(2)(B)(iii) was added:

"iii) Automotive Burglary Protection Mechanical Equipment Directory (1997 Edition)."

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? All changes have been made.

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
300.160	Amendments	22 Ill. Reg. 6185
300.163	Amendments	22 Ill. Reg. 6185
300.330	Amendments	22 Ill. Reg. 13561
300.620	Amendments	22 Ill. Reg. 6185
300.660	Amendments	22 Ill. Reg. 13561
300.661	Amendments	22 Ill. Reg. 6185
300.663	Amendments	22 Ill. Reg. 13561
300.1020	Amendments	22 Ill. Reg. 13561
300.1025	Amendments	22 Ill. Reg. 13561
300.1210	Amendments	22 Ill. Reg. 13561
300.1220	Amendments	22 Ill. Reg. 13561
300.1810	Amendments	22 Ill. Reg. 13561
300.2010	Amendments	22 Ill. Reg. 13561
300.2040	Amendments	22 Ill. Reg. 13561
300.2050	Amendments	22 Ill. Reg. 13561
300.2080	Amendments	22 Ill. Reg. 13561
300.3060	Amendments	22 Ill. Reg. 13561
300.Appendix A	Amendments	22 Ill. Reg. 13561
300.Appendix C	Amendments	22 Ill. Reg. 13561

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15) Summary and purpose of the amendments: The rules in Part 300 regulate the licensure of skilled nursing and intermediate care facilities under the Nursing Home Care Act.

Section 300.340 is being amended to update incorporated and referenced materials. Codes and standards are updated to more recent editions; addresses are corrected and added; format is clarified to distinguish between incorporated and referenced materials; statutory citations are changed from Illinois Revised Statutes to Illinois Compiled Statutes; rules and statutes cited elsewhere in this Part are added.

Section 300.2820 is being amended to update the incorporation of the National Fire Protection Association Life Safety Code for new facilities to the 1997 edition. Other incorporated materials are updated and clarified, and the BOCA International Building Code (1996) is substituted for the Uniform Building Code (1982).

Section 300.3230 is being repealed. The Department has adopted new requirements on the use of restraints (see 20 Ill. Reg. 12208), effective September 10, 1996.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Gail DeVito
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
(rules @ idph.state.il.us).

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.165	Criteria for Adverse Licensee Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

Section	
300.510	Administrator

SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening
300.620	Admission and Discharge Policies
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check
300.663	Registry of Certified Nurse Aides
300.665	Student Interns
300.670	Disaster Preparedness
300.680	Restraints
300.682	Nonemergency Use of Physical Restraints
300.684	Emergency Use of Physical Restraints
300.686	Unnecessary, Psychotropic, and Antipsychotic Drugs
300.690	Serious Incidents and Accidents

SUBPART D: PERSONNEL

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300.810	General
300.820	Categories of Personnel
300.830	Consultation Services
300.840	Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section	
300.1010	Medical Care Policies
300.1020	Communicable Disease Policies
300.1025	Tuberculin Skin Test Procedures
300.1030	Medical Emergencies
300.1035	Life-Sustaining Treatments
300.1040	Behavior Emergencies (Repealed)
300.1050	Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

Section	
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300.1210 General Requirements for Nursing and Personal Care
 300.1220 Supervision of Nursing Services
 300.1230 Staffing
 300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section

300.1410 Activity Program
 300.1420 Specialized Rehabilitation Services
 300.1430 Work Programs

SUBPART H: MEDICATIONS

Section

300.1610 Medication Policies and Procedures
 300.1620 Conformance With Physician's Orders
 300.1630 Administration of Medication
 300.1640 Labeling and Storage of Medications
 300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section

300.1810 Resident Record Requirements
 300.1820 Content of Medical Records
 300.1830 Records Pertaining to Residents' Property
 300.1840 Retention and Transfer of Resident Records
 300.1850 Other Resident Record Requirements
 300.1860 Staff Responsibility for Medical Records
 300.1870 Retention of Facility Records
 300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section

300.2010 Director of Food Services
 300.2020 Dietary Staff in Addition to Director of Food Services
 300.2030 Hygiene of Dietary Staff
 300.2040 Diet Orders
 300.2050 Adequacy of Diet and Meal Pattern
 300.2060 Therapeutic Diets
 300.2070 Scheduling Meals
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 300.2090 Food Preparation and Service
 300.2100 Food Handling Sanitation
 300.2110 Kitchen Equipment, Utensils, and Supplies

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SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section

300.2210 Maintenance
 300.2220 Housekeeping
 300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

300.2410 Furnishings
 300.2420 Equipment and Supplies
 300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section

300.2610 Codes
 300.2620 Water Supply
 300.2630 Sewage Disposal
 300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

300.2810 Applicability of These Standards
 300.2820 Codes and Standards
 300.2830 Preparation of Drawings and Specifications
 300.2840 Site
 300.2850 Administration and Public Areas
 300.2860 Nursing Unit
 300.2870 Dining, Living, Activities Rooms
 300.2880 Therapy and Personal Care
 300.2890 Service Departments
 300.2900 General Building Requirements
 300.2910 Structural
 300.2920 Mechanical Systems
 300.2930 Plumbing Systems
 300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

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300.3010 Applicability
 300.3020 Codes and Standards
 300.3030 Preparation of Drawings and Specifications

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300.3040 Site
 300.3050 Administration and Public Areas
 300.3060 Nursing Unit
 300.3070 Living, Dining, Activities Rooms
 300.3080 Treatment and Personal Care
 300.3090 Service Departments
 300.3100 General Building Requirements
 300.3110 Structural
 300.3120 Mechanical Systems
 300.3130 Plumbing Systems
 300.3140 Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

Section
 300.3210 General
 300.3220 Medical and Personal Care Program
 300.3230 Restraints (Repealed)
 300.3240 Abuse and Neglect
 300.3250 Communication and Visitation
 300.3260 Resident's Funds
 300.3270 Residents' Advisory Council
 300.3280 Contract With Facility
 300.3290 Private Right of Action
 300.3300 Transfer or Discharge
 300.3310 Complaint Procedures
 300.3320 Confidentiality
 300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section
 300.3410 Application of Other Divisions of These Minimum Standards
 300.3420 Administrator
 300.3430 Policies
 300.3440 Personnel
 300.3450 Resident Living Services Medical and Dental Care
 300.3460 Resident Services Program
 300.3470 Psychological Services
 300.3480 Social Services
 300.3490 Recreational and Activities Services
 300.3500 Individual Treatment Plan
 300.3510 Health Services
 300.3520 Medical Services
 300.3530 Dental Services
 300.3540 Optometric Services
 300.3550 Audiometric Services
 300.3560 Podiatric Services

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300.3570 Occupational Therapy Services
 300.3580 Nursing and Personal Care
 300.3590 Resident Care Services
 300.3600 Record Keeping
 300.3610 Food Service
 300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities)
 300.3630 Design and Construction Standards (New and Existing Facilities)

SUBPART R: DAYCARE PROGRAMS

Section
 300.3710 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities
 APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
 APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights
 APPENDIX D Forms for Day Care in Long-Term Care Facilities
 APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation
 APPENDIX F Guidelines for the Use of Various Drugs
 TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
 TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
 TABLE C Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
 TABLE D Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8

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Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. **16609**, effective **SEP 16 1996**.

SUBPART A: GENERAL PROVISIONS

Section 300.340 Incorporated and Referenced Materials

- a) The following regulations and 7 standards~~7~~ and~~---~~ statutes are incorporated or~~referenced~~ in this Part:
- 1) Private and professional association standards:
 - A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1998 1998), which may be obtained from the American Dietetic Association, 216 W. Jackson 430--North--Michigan-Avenue, Chicago, Illinois 60606-6995 60611.
 - B) American National Standards Institute,-----Standard A17-1-04---Safety---Code---for---Elevators---and---Escalators---(1985), which may be obtained from the American Society of

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- Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017.
- i) Standard No. AL77.1-RI971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped
 - ii) Standard No. AL7.1-1995, Safety Code for Elevators and Escalators
- C) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (1997/1997), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329, 7-United-Engineering--Center7 345-Bast-47th-Street--New-York--New-York-10017.
- D) ~~the following standards of the American Society for Testing and Materials (ASTM)---it Standard No. B-84-1977A---Method of Test for Surface Burning Characteristics of Building Materials---it Standard No. E90-1975: Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions, which may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.~~
- E) BOCA International Building Code (1996), which may be obtained from Building Officials and Code Administrators International, Inc., 4051 Flossmoor Road, Country Club Hills, Illinois 60478-5795. ~~International Conference of Building Officials Uniform Building Code (1976 and 1982).~~
- F) For existing facilities (see Subpart O), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981) and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Battery March Battery Park, Quincy, Massachusetts, 02269:
- i) No. 10 (1978): Standards for Portable Extinguishers
 - ii) No. 13 (1980): Standards for the Installation of Sprinkler Systems
 - iii) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems
 - iv) No. 70 (1981): National Electric Code
 - v) No. 90A (1978): Institution of Air Conditioning and Ventilating Systems
 - vi) No. 96 (1980): Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment
 - vii) No. 220 (1979): Standard Standards Types of Building Construction
 - viii) No. 253 (1978): Flooring Radiant Heat Energy Test
 - ix) No. 255 (1972): Test of Surface Burning

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- Characteristics of Building Materials
Appendix C (1981): Fire Safety Evaluation System for Health Occupancies
- G) For new facilities (see Subpart N), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (1997), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02269.
- 6) Compressed-Gas-Association--Pamphlet-P-2-is--Standard-for Medical-Surgical-Vacuum-Systems-in-Hospitals-(1976)-Underwriters Laboratories Laboratory, Inc. (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:
- i) Fire Resistance Directory Index (1998 Edition),
ii) Building Material Directory (1998 Edition), and
iii) Automotive Burglary Protection Mechanical Equipment Directory (1997 Edition).
- and--Standard--No--101-(1974)--Factory-Made-Air-Duct Materials-and-Air-Duct-Connectors-
- I) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.
- J) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.
- K) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.
- 2) Federal-statutes-and-regulations-
A) Civil-Rights-Act-of-1964-(42-U.S.C.-2000e-et-seq-)
B) Social-Security-Act-(42-U.S.C.-401-et-seq-)
- 2) Federal government publications:
C) United States U-S- Public Health Service, Guidelines for the Prevention and Control of Nosocomial Infections, which includes the following guidelines and may be obtained from the Center for Infectious Diseases, Centers for Disease Control, United States Services, Atlanta, Georgia 30333.
- A) Guideline for Prevention of Catheter-Associated Urinary Tract Infections (October 1981).
B) Guideline for Handwashing and Hospital Environmental Control (1985).

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- C) Guideline for Prevention of Intravascular Infections (October 1981).
D) Guideline for Prevention of Surgical Wound Infections (March 1982; Revised 1985).
E) Guideline for Prevention of Nosocomial Pneumonia (February 1994 301-1982).
F) Guideline for Isolation Precautions in Hospitals (January 1996 301-1983).
G) Guideline for Infection Control in Hospital Personnel (July 1983).
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
- 1) Federal statutes:
A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
B) Social Security Act (42 U.S.C.A. 301 et seq., 1395 et seq. and 1396 et seq.)
- 2) State of Illinois statutes Statutes:
A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305] {111-Rev-Stat-1987--ch--111-127--par--631-1-et-seq-}
B) Boiler and Pressure Vessel Safety Act [430 ILCS 75] {111-Rev-Stat-1987--ch--111-127--par--3201-et-seq-}
C) Child Care Act of 1969 [225 ILCS 10] {111-Rev-Stat--1987--ch--237--par--231-et-seq-}
D) Court of Claims Act [705 ILCS 505] {111-Rev-Stat-1987--ch--377--par--439-1-et-seq-}
E) The Illinois Dental Practice Act [225 ILCS 25] {111-Rev-Stat-1987--ch--111--par--2301-et-seq-}
F) The Election Code [10 ILCS 5] {111-Rev-Stat-1987--ch--467--par--1-1-et-seq-}
G) Freedom of Information Act [5 ILCS 140] {111-Rev-Stat-1987--ch--116--par--201-et-seq-}
H) General Not For Profit Corporation Act of 1986 [805 ILCS 105] {111-Rev-Stat-1987--ch--92--par--163a-et-seq-}
I) Hospital Licensing Act [210 ILCS 85] {111-Rev-Stat-1987--ch--112--par--142-et-seq-}
J) Illinois Controlled Substances Act [720 ILCS 570] {111-Rev-Stat-1987--ch--56-1/2--par--1100-et-seq-}
K) Illinois Health Facilities Planning Act [20 ILCS 3905] {111-Rev-Stat-1987--ch--111-127--par--1151-et-seq-}
L) Article-17-Division-37 Illinois Municipal Code [65 ILCS 5] {111-Rev-Stat-1987--ch--247--par--1-3-1-et-seq-}
M) The Illinois Nursing Act of 1987 [225 ILCS 65] {111-Rev-Stat-1987--ch--111--par--3501-et-seq-}

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- N) Illinois Occupational Therapy Practice Act [225 ILCS 75] {111-Rev-Stat-1987-ch-111-par-3701-et-seq-}
- O) Illinois Physical Therapy Act [225 ILCS 90] {111-Rev-Stat-1987-ch-111-par-4251-et-seq-}
- P) Life Care Facilities Act [210 ILCS 40] {111-Rev-Stat-1987-ch-111-par-41601-et-seq-}
- Q) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10] {111-Rev-Stat-1987-ch-05-par-1-101-et-seq-}
- R) Medical Practice Act of 1987 [225 ILCS 60] {111-Rev-Stat-1987-ch-111-par-4400-1-et-seq-}
- S) Mental Health and Developmental Disabilities Code [405 ILCS 5] {111-Rev-Stat-1987-ch-91-1-2-par-1-100-et-seq-}
- T) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70] {111-Rev-Stat-1987-ch-111-par-3651-et-seq-}
- U) Nursing Home Care Act [210 ILCS 45] {111-Rev-Stat-1987-ch-111-par-4151-101-et-seq-} as amended by Public Act 85-968--effective--December--9--1987--Public Act 85-1103--effective--August-13-1988--and--Public Act 85-1378--effective--September-17-1988}
- V) Pharmacy Practice Act of 1987 [225 ILCS 85] {111-Rev-Stat-1987-ch-111-par-4121-et-seq-}
- W) Private Sewage Disposal Licensing Act [225 ILCS 225] {111-Rev-Stat-1987-ch-111-1-2-par-116-901-et-seq-}
- X) Probate Act of 1975 [775 ILCS 5] {111-Rev-Stat-1987-ch-110-1-2-par-1-1-et-seq-}
- Y) the Illinois Public Aid Code [305 ILCS 5] {111-Rev-Stat-1987-ch-23-par-1-1-et-seq-}
- Z) Safety Glazing Materials Act [430 ILCS 60] {111-Rev-Stat-1987-ch-111-1-2-par-3101-et-seq-}
- AA) Illinois Administrative Procedure Act [5 ILCS 100]
- BB) Clinical Psychologist Licensing Act [225 ILCS 15]
- CC) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- DD) Health Care Worker Background Check Act [225 ILCS 46]
- EE) Criminal Code of 1961 [720 ILCS 5]
- FF) Cannabis Control Act [720 ILCS 550]
- GG) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- HH) Living Will Act [755 ILCS 35]
- II) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
- JJ) Health Care Surrogate Act [755 ILCS 45]
- KK) Right of Conscience Act [745 ILCS 70]
- LL) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
- MM) Supportive Residences Licensing Act [210 ILCS 65]
- NN) Community Residential Alternatives Licensing Act [210 ILCS 40]

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- OO) Community Living Facilities Licensing Act [210 ILCS 35]
- PP) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
- QQ) Counties Code [55 ILCS 5]
- 3)4) State of Illinois Rules:
A) Office-of-the-State-Fire-Marshall-Fire-Prevention-and-Safety-41-111-Adm-Code-100}
A)B) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
B)E) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
C)B) Department of Public Health:
i) Control of Communicable Diseases (77 Ill. Adm. Code 690)
ii)B) Department-of--Public-Health; Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
iii)F) Department-of-Public-Health; Food Service Sanitation Code (77 Ill. Adm. Code 750)
iv)S) Department-of--Public-Health; Illinois Plumbing Code (77 Ill. Adm. Code 890)
v)H) Department-of-Public-Health; Private Sewage Disposal Code (77 Ill. Adm. Code 905)
vi)I) Department-of--Public-Health; Drinking Water Systems Code (77 Ill. Adm. Code 900)
vii)D) Department-of-Public-Health; Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
viii)K) Department-of--Public-Health; Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
ix) Freedom of Information Code (2 Ill. Adm. Code 1126)
x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
xi) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
xii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
D)B) Department of Professional Regulation, Controlled Substance Act (77 Ill. Adm. Code 3100)
E)M) Department of Human Services Alcoholism--and--Substance Abuse, Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058)
N) Department-of--Public-Aid-Access-to-Cost-Reports-(09-111-Adm-Code-140-544)
F)O) Department of Natural Resources Transportation, Regulation of Construction within Flood Plains (17 92 Ill. Adm. Code 2706 706)

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- b) All incorporations--by--reference--of--federal--regulations--and--the standards--of--nationally--recognized--organizations--refer--to--the regulations--and--standards--on--the--date--specified--and--do--not--include--any additions--or--deletions--subsequent--to--the--date--specified.
- c) All citations--to--federal--regulations--in--this--part--concern--the specified--regulation--in--the--1986--Code--of--Federal--Regulations,--unless another--date--is--specified.

(Source: Amended at 22 Ill. Reg. 16609, effective July 18 1998)

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section 300.2820 Codes and Standards

- a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of federal the rules--or regulations of any Agency--of--the United--States or of any standards of a nationally recognized organization or association refers to the regulations and standards on the date specified and does not include any additions or deletions subsequent to includes--no--new--amendments--or--editions--made--after the date specified. (ArB)
- 1) State of Illinois Rules Rule
 - A) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health
 - B) Illinois Accessibility Code (71 Ill. Adm. Code 400), Capital Development Board
 - C) Fire Prevention and Safety--(41--Ill--Adm--Code--100)--Office--of--the--State--Fire--Marshal
 - CJB) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health
 - DJB) Boiler and Pressure Vessel Safety Code (41 Ill. Adm. Code 120), Office of the State Fire Marshal
 - 2) Other Codes and standards
 - A) National Fire Protection Association, 1) (NFPA) Standard No. 101: Life Safety Code, 1997/1998 Edition (New Health Care Occupancies) and all appropriate references under Chapter 33 Appendix "B", including but not limited to:
 - 1) NFPA-10-1970-Standard-for-Portable-Extinguishers
 - 1) NFPA-13-1980-Standards--for--the--Installation--of--Sprinkler-Systems
 - 1) NFPA-56P-1977-Standard-for-Non-Flammable-Medical-Gas Systems
 - 1) NFPA-70-1981-National-Electric-Code
 - 1) NFPA-90A-1970-Standard-for-the-Installation--of--Air Conditioning--and--Ventilating--Systems

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- vii) NFPA--96--1980--Standard--for--the--Installation--of--Equipment--for--the--Removal--of--Smoke--and--Grease--laden Vapors--from--Commercial--Cooking--Equipment
- viii) NFPA--220--1979--Standard--Types--of--Building Construction
- ix) NFPA-253-1970-Flooring-Radiant-Heat-Energy-Test
- x) NFPA-255-1972-Test-of-Surface-Burning-Characteristics of-Building-Materials
- B) Underwriters' Laboratories Laboratory, Inc. (UL):
- i) Fire Resistance Directory Index--(date) (1998 Edition) (All--Editions)
 - ii) Building Material Directory (1998 Edition) (All--Editions)
 - iii) Automotive Burglary Protection Mechanical Equipment Directory (1997 Edition)
 - 1) Standard--No--181-1974--Factory--Made--Air--Bust Materials--and--Air--Bust--Connectors
- C) American Society for Testing and Materials (ASTM):
- 1) Standard--No--B-84-1977A--Method--of--Test--for--Surface--Burning Characteristics--of--Building--Materials--(Same--as--NPPA-255) 1)
 - Standard No. E90-1975 Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions
- D) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE):
- i) Handbook of Fundamentals, 1997 1977
 - ii) Handbook of Applications, 1995 Standard--No--52-76 Methods--of--Testing--Air--Cleaning--Devices--Used--in General--Ventilation--for--Removing--Particulate--Matters
- E) BOCA International Building Code (1996) Uniform--Building Code--(1982--Edition)--International--Conference--of--Building Officials
- F) American National Standards Institute (ANSI):
- 1) Standard No. A17.1-1971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped--American--National Standards--Institute
 - 1) Standard No. A17.1-1995 1971, National Safety Code for Elevators, Escalators, and Moving Stairs--American--National--Standards--Institute
- H) Pamphlet--P-2-1-1976--Standard--for--Medical--Vacuum Systems--in--Hospitals--Compressed--Gas--Association
- 1) HUD-PP-75-247-A-Guide-to-Air--Borne--Impacts--and--Structure Borne--Noise--Control--in--Multi-Family--Dwellings--Superintendent of Documents--G-S--Government-Printing-Office
- b) In addition to compliance with the standards Standards set forth in this Section, all building codes, ordinances and regulations that which are enforced by city, county or other local

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jurisdictions in which the facility is, or will be, located must be observed. (A)(7)

c) Where no local building code exists, the recommendations of the 1996 1976 Edition of the BOCA International Uniform Building Code shall apply.

d) The local building code or the recommendations of the 1996 1982 Edition of the BOCA International Uniform Building Code shall apply insofar as such recommendations are not in conflict with the these standards set forth in this Part these regulations, or with the National Fire Protection Association Standard No. Code 101.7 Life Safety Code, 1997 1981.

e) The Fire-Safety-Evaluation-System-for-Health-Occupancies-(Appendix-C) of the 1991 edition of the Life-Safety-Code-(NFPA-101) shall be used by the Department in determining whether any facility's proposed equivalent system is safe and does not constitute a hazard to the life and safety of the staff and residents in making its determination regarding the proposed equivalent system; the Department shall consider those factors listed in Appendix C.

e)f) Pursuant to the Medicare-Medicaid certification requirements of 42 CFR 405.1134(a) (1983) and 42 CFR 442.321(c) (1983), any skilled nursing facility that on December 4, 1980, or on November 26, 1982, or any intermediate care facility that on November 26, 1982, complied with the requirements of the 1967 or 1973 edition of the Life Safety Code will be considered to be in compliance with Section 300.2820(a)(2)(A)(i), as long as the facility continues to remain in compliance with that edition of the Code.

f) Amendments to this Section effective August 31, 1998 supersede all other codes and standards incorporated in this Subpart N.

(Source: Amended at 22 Ill. Reg. 16609, effective SEP 18 1998)

SUBPART P: RESIDENT'S RIGHTS

Section 300.3230 Restraints (Repealed)

a) Neither physical restraints nor confinements shall be employed for the purpose of punishment or for the convenience of any facility personnel. No physical restraints or confinements shall be employed except as ordered by a physician who documents the need for such restraints or confinements in the resident's clinical record. (B) (Section 2-106 of the Act)

b) Restraints and confinements may be employed only when necessary to prevent a resident from injuring himself or others. The physician's written authorization shall specify the precise time periods and conditions in which any restraints and confinements shall be employed. (B)

c) No chemical, medication or tranquilizer shall be employed by

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facility as a restraint or confinement in lieu of or in addition to any physical restraint or confinement. Such chemicals, medications or tranquilizers may only be employed as part of a duty prescribed therapeutic medical treatment program authorized by the resident's physician and documented in the resident's clinical record. (B)

d) No resident shall be subjected to any behavior modification program which utilizes restraints, confinements, or adverse stimuli of any nature unless and until the informed consent of such resident or resident's guardian or parent of a minor resident has been obtained. (B)

(Source: Repealed at 22 Ill. Reg. 16609, effective SEP 18 1998)

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- 1) Heading of the Part: Firearm Owner's Identification Card Act
- 2) Code Citation: 20 Ill. Adm. Code 1230
- 3) Section Numbers:
- | | |
|----------|------------------------|
| 1230.10 | <u>Adopted Action:</u> |
| 1230.20 | Amendment |
| 1230.30 | Amendment |
| 1230.50 | Amendment |
| 1230.70 | Amendment |
| 1230.110 | New Section |
- 4) Statutory Authority: Implementing and authorized by the Firearm Owner's Identification Card Act [430 ILCS 65] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].
- 5) Effective Date of Amendments: September 8, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) A copy of this adopted amendment is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 22 Ill. Reg. 6925, April 17, 1998
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Editing and formatting changes recommended by JCAR were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued.
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These adopted amendments clarify grounds for denial of FOID card applications, allow denial because of other law prohibitions against possession, and allow retention of application fees for denied applications. Other clarifications and minor adjustments to the rules are also included.
- 16) Information and questions regarding this adopted amendment shall be

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directed to:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, IL 62794-9461
(217)782-7658

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1230

FIREARM OWNER'S IDENTIFICATION CARD ACT

Section

- 1230.10 Definitions
 1230.20 Application Procedures
 1230.30 Duration and Renewal of Identification Card
 1230.40 Sponsorship of a Minor
 1230.50 Denial of Application or Revocation and Seizure of Identification Card
 1230.60 Notification of Grounds for Denial of Application and Revocation and Seizure of Identification Card
 1230.70 Appeal
 1230.80 Judicial Review
 1230.90 Certification
 1230.100 Reduction of Remittance
 1230.110 Retention of Remittance
- EXHIBIT A Application for Firearm Owner's Identification Card (Form FOID-1.2) (Repealed)
 EXHIBIT B Certification (Repealed)

AUTHORITY: Implementing and authorized by the Firearm Owner's Identification Card Act (430 ILCS 65) and authorized by Section 55a of the Civil Administrative Code of Illinois [120 ILCS 2605/55a].

SOURCE: Filed March 8, 1973; codified at 7 Ill. Reg. 9557; amended at 8 Ill. Reg. 21306, effective October 10, 1984; recodified from the Department of Law Enforcement to the Department of State Police at 10 Ill. Reg. 3279; amended at 17 Ill. Reg. 18856, effective October 18, 1993; amended at 22 Ill. Reg. 10060, effective SEP 06 1998.

Section 1230.10 Definitions

As used in this Part, the following definitions apply unless the context clearly requires a different meaning:

"Act" means Firearm Owner's Identification Card Act (Ill. Rev. Stat. 1993, ch. 307, pars. 63-1 through 63-16-3) [430 ILCS 65].

"Applicant" means an applicant for a Firearm Owner's Identification Card.

"Department" means the Department of State Police.

"Director" means the Director of State Police.

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"Firearm" and "firearm ammunition" mean the terms as defined in Section 83-1.1 of the Act.

"Firearm Owner's Identification Card" means the term as defined in Section 83-6 of the Act.

"Law enforcement official" means any peace officer, warden, superintendent, or keeper of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a criminal offense, and employees of police laboratories having a department or section of forensic firearm identification.

"Mental institution" means any medical facility or part of any medical facility used primarily for the care or treatment of persons for mental illness.

"Mentally retarded" means a person who has significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.

"Narcotics" means any substance controlled by the Controlled Substances Act.

(Source: Amended at 22 Ill. Reg. 10020, effective SEP 08 1998)

Section 1230.20 Application Procedures

Application for a Firearm Owner's Identification Card will be made by completing an application form provided by the Department. These forms will be made available through the Firearm Owner's Identification Section, P.O. Box 3677, Springfield, Illinois 62708-3677. All in-order-to-be-processed, all forms must be properly completed, and be accompanied by the correct fee and a photograph, and mailed to the address indicated on the application form.

(Source: Amended at 22 Ill. Reg. 10020, effective SEP 08 1998)

Section 1230.30 Duration and Renewal of Identification Card

A Firearm Owner's Identification Card shall expire on the first day of the first month after the applicant's birthday five years from the date of after issuance. The first day of the month in which the related Firearm Owner's Identification Card Application was received is designated as the date of issuance for purposes of this Part. The Department shall, at least 30 days prior to the expiration of a Firearm Owner's Identification Card, forward to the last known address of each person whose Firearm Owner's Identification Card

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is to expire a notification of the expiration and an application which may be used to apply for renewal. It is the registrant's responsibility to notify the Department in writing of the registrant's change of address.

(Source: Amended at 22 Ill. Reg. 16629, effective SEP 18 1998)

Section 1230.50 Denial of Application or Revocation and Seizure of Identification Card

The Department will deny an application for or revoke and seize a Firearm Owner's Identification Card if the Department finds that the applicant or the person to whom such a Firearm Owner's Identification Card was issued is or was at the time of issuance prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois state statute or by federal law or does not otherwise qualify under Illinois statute to possess a Firearm Owner's Identification Card.

- a) A person under 21 years of age and has been convicted of a misdemeanor other than a traffic offense or has been adjudged delinquent;
- b) A person under 21 years of age and does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition or whose parent or legal guardian has revoked such written consent or where such parent or legal guardian does not qualify to have a Firearm Owner's Identification Card;
- c) A person convicted of a felony under the law of this or any other jurisdiction;
- d) A person addicted to narcotics;
- e) A person who has been a patient of a mental institution within the past 5 years for any reason;
- f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant or any other person or persons or the community. For purposes of this Section, "mental condition" means a state of mind manifested by violent or suicidal threatening or assaultive behavior;
- g) A person who is mentally retarded; or
- h) A person who intentionally makes a false statement on the Firearm Owner's Identification Card application.

(Source: Amended at 22 Ill. Reg. 16629, effective SEP 18 1998)

Section 1230.70 Appeal

- a) An individual whose application for a Firearm Owner's Identification Card is denied or whose Firearm Owner's Identification Card is revoked may petition for relief from such action by providing written notice of this intention to the Department.
- b) Upon receiving a petition for relief, the Department shall investigate

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the circumstances surrounding the denial or revocation action; and if the Director is satisfied that substantial justice has not been done, the Director may grant relief. In the event the Director desires additional information concerning the circumstances surrounding the denial or revocation action, the Director or may schedule a fact finding conference with the petitioner.

- c) At a fact finding conference, the petitioner may be represented by counsel or any other person and may present any evidence or information relating to the Department's action.
- d) The Director may provide relief as a result of the fact finding conference.
- e) If the Director does not provide relief as a result of the investigation or a fact finding conference, the petitioner may petition for a hearing.
- f) The administrative law judge for contested hearings shall be the Director or an attorney licensed to practice law in Illinois appointed by the Director. The administrative law judge may be disqualified for bias or conflict of interest.
- g) The procedures for the hearing shall be as described in Article 10 of the Administrative Procedure Act (Ill. Rev. Stat. 1997, ch. 127, par. 1010-5--through--1010-70) [5 ILCS 100/Art. 10] and as ordered by the administrative law judge.
- h) In the event relief is denied, a new application from the petitioner will not be accepted until two years have passed since the date of the last denial.

(Source: Amended at 22 Ill. Reg. 16629, effective SEP 18 1998)

Section 1230.110 Retention of Remittance

Application fees relating to denied applications will not be refunded.

(Source: Added at 22 Ill. Reg. 16629, effective SEP 18 1998)

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NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Firearm Transfer Inquiry Program

2) Code Citation: 20 Ill. Adm. Code 1235

3) Section Numbers: Adopted Action:

1235.20 Amendment

1235.60 Amendment

1235.90 Amendment

1235.110 Amendment

1235.130 Amendment

4) Statutory Authority: Implementing and authorized by Section 3 and Section 3.1 of the Firearm Owner's Identification Card Act [430 ILCS 65/3 and 3.1] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

5) Effective Date of Amendments: September 8, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 22 Ill. Reg. 7572, April 1, 1998

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Editing and formatting changes recommended by JCAR were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments clarify and describe the procedures for terminating access to the Firearm Transfer Inquiry Program for those federally-licensed firearm dealers who fail to follow the requirements of this Part.

16) Information and questions regarding this adopted amendment shall be directed to:

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Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, IL 62794-9461
(217)782-7658

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1235

FIREARM TRANSFER INQUIRY PROGRAM

Section	Purpose
1235.10	Definitions
1235.20	Federal and State Laws and Local Ordinances
1235.30	Hours of Operation
1235.40	Holidays
1235.50	Enrollment
1235.60	Inquiry Requirement
1235.70	Inquiry Procedure
1235.80	Response Procedures
1235.90	Denial Notification
1235.100	Transfer of Firearms
1235.110	Fees
1235.120	Termination of Services
1235.130	Failure-to-Pay-Fees

AUTHORITY: Implementing and authorized by Section 3 and Section 3.1 of the Firearm Owner's Identification Card Act [430 ILCS 65/3 and 3.1] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 17785, effective December 1, 1991, for 150 days; adopted at 16 Ill. Reg. 7041, effective April 21, 1992; amended at 22 Ill Reg 16635, effective SEP 08 1998.

Section 1235.20 Definitions

Unless specified otherwise, all terms shall have the meaning set forth in Section 1.1 of the Firearm Owner's Identification Card Act [430 ILCS 65/1.1] (~~Ill-Rev-Stat--1991-CH--38-Par--83-1-1-the-Act~~).

"Act" means Firearm Owner's Identification Card Act [430 ILCS 65].

"Dealer" means a federally-licensed firearm dealer under the provisions of 18 U.S.C. 921 et seq.

"Department" means the Illinois Department of State Police.

"Firearm Transfer Inquiry Program" means the functional unit within the Bureau of Identification of the Department responsible for providing federally-licensed firearm dealers in the State of Illinois with a dial-up telephone system to determine the current eligibility of a transferee to acquire firearms.

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"Transfer" means selling, assigning, pledging, leasing, loaning, giving away, pawning, redeeming, or otherwise disposing of firearms occurring at a single point in time. Transfer of more than one firearm to a single transferee at a single point in time is considered a single transfer.

"Transferee" means the recipient of a transfer.

(Source: Amended at 22 Ill. Reg. 16635, effective SEP 08 1998)

Section 1235.60 Enrollment

All dealers must be enrolled in the Firearm Transfer Inquiry Program prior to transferring firearms. Federally-licensed firearm dealers in Illinois may enroll by completing the dealer enrollment form provided by the Department. These forms may be obtained from the Firearm Transfer Inquiry Program, P.O. Box 3677, Springfield, IL 62708-3677 ~~Bureau of Identification--260-North-Chicago Street--Joliet--Illinois-60431-1060~~. The Department shall not charge a fee to enroll. The Department shall provide enrolled dealers with a unique number to be used when inquiring into the Firearm Transfer Inquiry Program.

(Source: Amended at 22 Ill. Reg. 16635, effective SEP 08 1998)

Section 1235.90 Response Procedures

The Department shall provide, during the initial dealer inquiry, an approval, denial, or conditional denial of the transfer. The time period for the Department to respond shall begin at the time the inquiry is received. When the Department provides a conditional denial, the dealer shall not transfer the firearm until an approval is provided by the Department or the length of time prescribed in Section 24-3 of the Criminal Code of 1961 [720 ILCS 5/24-3] (~~Ill-Rev-Stat--1991-CH--38-Par--24-3~~) has been exceeded. If the Department has not provided an approval or denial within the prescribed length of time, the dealer may proceed with the transfer. Failure of the Department to provide an approval or denial within the prescribed length of time does not relieve the dealer from compliance with any other statutory restrictions on firearm transfers.

(Source: Amended at 22 Ill. Reg. 16635, effective SEP 08 1998)

Section 1235.110 Transfer of Firearms

The transfer of the firearm(s) associated with a particular inquiry shall only occur after the withholding of delivery provisions of Section 24-3 of the Criminal Code of 1961 [720 ILCS 5/24-3] (~~Ill-Rev-Stat--1991-CH--38-Par--~~

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24-37 and within 30 days after the approval to transfer provided by the Department.

(Source: Amended at 22 Ill. Reg. 16635, effective SEP 03 1998)

Section 1235.130 Termination of Services Failure-to-Pay-Fees

- a) If a dealer fails to pay for the 900-number service, which will be included in the dealer's normal telephone bill, within 30 days after its due date, the Department shall notify the dealer that failure to pay this bill will result in termination of services.
- b) If a dealer fails to pay for the 900-number service within 60 days after its due date, the Department shall terminate Firearm Transfer Inquiry program services to the dealer.
- c) If a dealer fails to comply with any of the requirements of this Part, the Department shall notify the dealer of the non-compliance. The dealer shall have 30 days from notification of non-compliance in which to respond to the Department.
- d) If a dealer fails to respond to a notice of non-compliance or if the response fails to resolve the non-compliance to the satisfaction of the Department, the Department shall terminate Firearm Transfer Inquiry services to the dealer.
- e) If a dealer's continued access to Firearm Transfer Inquiry Program services would result in a violation of law or create a danger to the public, services may be suspended immediately.

(Source: Amended at 22 Ill. Reg. 16635, effective SEP 03 1998)

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- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: 120.381
Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: September 1, 1998
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) A copy of the emergency rule, including any material incorporated by reference, in on file in the agency's principal office and is available for public inspection.
- 8) Reason for Emergency: These emergency amendments to the Department's rules concerning medical assistance eligibility are being filed to establish a \$4,000 exemption for prepaid burial trusts, with a three percent annual increase, for AABD MANG cases. These amendments are intended to promote the saving of funds for the coverage of funeral and burial expenses by allowing such assets to remain exempt from consideration in eligibility determinations. Immediate implementation of these amendments is necessary to offset potential hardship that could result from any additional delay.
- 9) Complete Description of the Subjects and Issues Involved: These emergency amendments affect the Department's asset exemption policies concerning determinations of medical eligibility under AABD MANG. The most substantive changes are intended to promote the saving of assets for the purpose of covering funeral and burial expenses by allowing such assets to remain exempt from consideration regarding medical eligibility. According to these changes, funds can be specifically and irrevocably set aside for the professional funeral services and burial expenses of the individual and his or her spouse, subject to a limit of \$4,000 each, including prepaid funeral and burial plans. This \$4,000 limit will be increased annually by three percent.

Other changes are being made to Section 120.381 to fully identify those assets that are exempt from consideration in determinations of medical eligibility under AABD MANG. Currently, Section 120.381(b) contains a cross-reference to 89 Ill. Adm. Code 113.141 concerning asset exemptions. However, incorporating the exemption provisions by reference has become problematic for the Department since 89 Ill. Adm. Code 113.141 was recodified to the Department of Human Services in July 1997. Therefore,

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these amendments are necessary to clearly identify asset exemption policies in the Department's AABD MANG program.

10) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
120.10	Amendment	July 17, 1998 (22 Ill. Reg. 12476)
120.30	Amendment	July 17, 1998 (22 Ill. Reg. 12476)
120.60	Amendment	July 17, 1998 (22 Ill. Reg. 12476)
120.314	Amendment	July 17, 1998 (22 Ill. Reg. 12476)
120.380	Amendment	July 17, 1998 (22 Ill. Reg. 12476)
120.381	Repeal	July 17, 1998 (22 Ill. Reg. 12476)
120.382	Amendment	July 17, 1998 (22 Ill. Reg. 12476)
120.383	Amendment	July 17, 1998 (22 Ill. Reg. 12476)
120.384	Amendment	July 17, 1998 (22 Ill. Reg. 12476)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance

120.11 MANG(P) Eligibility

120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women

120.20 MANG(AABD) Income Standard

120.30 MANG(C) Income Standard

120.31 MANG(P) Income Standard

120.40 Exceptions To Use Of MANG Income Standard

120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DHS Facilities, DHS Approved Community Based Settings and Pregnant Women and Children Under Age 19 Who Do Not Qualify As Mandatory Categorically Needy

120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities

120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings

120.64 MANG(P) Cases

120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section

120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program

120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare

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Beneficiary (QMB)
 120.73 Eligibility for Medical Payment of Medicare Part B Premiums as a
 Specified Low-Income Medicare Beneficiary (SLIB)
 120.74 Qualified Medicare Beneficiary (QMB) Income Standard
 120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
 120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
 120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
 120.90 Migrant Medical Program
 120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
 120.200 Elimination of Aid to The Medically Indigent
 120.208 Client Cooperation (Repealed)
 120.210 Citizenship (Repealed)
 120.211 Residence (Repealed)
 120.212 Age (Repealed)
 120.215 Relationship (Repealed)
 120.216 Living Arrangement (Repealed)
 120.217 Supplemental Payments (Repealed)
 120.218 Institutional Status (Repealed)
 120.224 Foster Care Program (Repealed)
 120.225 Social Security Numbers (Repealed)
 120.230 Unearned Income (Repealed)
 120.235 Exempt Unearned Income (Repealed)
 120.236 Education Benefits (Repealed)
 120.240 Unearned Income In-Kind (Repealed)
 120.245 Earmarked Income (Repealed)
 120.250 Lump Sum Payments and Income Tax Refunds (Repealed)
 120.255 Protected Income (Repealed)
 120.260 Earned Income (Repealed)
 120.261 Budgeting Earned Income (Repealed)
 120.262 Exempt Earned Income (Repealed)
 120.270 Recognized Employment Expenses (Repealed)
 120.271 Income From Work/Study/Training Program (Repealed)
 120.272 Earned Income From Self-Employment (Repealed)
 120.273 Earned Income From Roomer and Boarder (Repealed)
 120.275 Earned Income In-Kind (Repealed)
 120.276 Payments from the Illinois Department of Children and Family Services

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(Repealed)
 120.280 Assets (Repealed)
 120.281 Exempt Assets (Repealed)
 120.282 Asset Disregards (Repealed)
 120.283 Deferral of Consideration of Assets (Repealed)
 120.284 Spend-down of Assets (AMI) (Repealed)
 120.285 Property Transfers (Repealed)
 120.290 Persons Who May Be Included in the Assistance Unit (Repealed)
 120.295 Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
 120.308 Client Cooperation
 120.309 Caretaker Relative
 120.310 Citizenship
 120.311 Residence
 120.312 Age
 120.313 Blind
 120.314 Disabled
 120.315 Relationship
 120.316 Living Arrangements
 120.317 Supplemental Payments
 120.318 Institutional Status
 120.319 Assignment of Rights to Medical Support and Collection of Payment
 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and
 Obtaining Medical Support
 120.322 Proof of Good Cause for Failure to Cooperate in Establishing
 Paternity and Obtaining Medical Support
 120.323 Suspension of Paternity Establishment and Obtaining Medical Support
 Upon Finding Good Cause
 120.324 Health Insurance Premium Payment (HIPP) Program
 120.325 Health Insurance Premium Payment (HIPP) Pilot Program
 120.326 Foster Care Program
 120.327 Social Security Numbers
 120.330 Unearned Income
 120.332 Budgeting Unearned Income
 120.335 Exempt Unearned Income
 120.336 Education Benefits
 120.338 Incentive Allowance
 120.340 Unearned Income In-Kind
 120.342 Court Ordered Child Support Payments of Parent/Step-Parent
 120.345 Earmarked Income
 120.346 Medicaid Qualifying Trusts
 120.347 Treatment of Trusts
 120.350 Lump Sum Payments and Income Tax Refunds
 120.355 Protected Income

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120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard - MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Provisions for the Prevention of Spousal Impoverishment
120.380	Assets
120.381	Exempt Assets
120.382	Asset Disregard
120.383	Deferral of Consideration of Assets
120.384	Spend-down of Assets (MANG)
120.385	Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386	Property Transfers Occurring On or Before August 10, 1993
120.387	Property Transfers Occurring On or After August 11, 1993
120.390	Persons Who May Be Included in the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG and Children Born October 1, 1983, or Later (MANG(P) Program)
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395	Payment Levels for MANG (Repealed)
120.399	Redetermination of Eligibility
TABLE A	Value of a Life Estate and Remainder Interest
TABLE B	Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency

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amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9,

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1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990;

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emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days.

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.381 Exempt Assets
EMERGENCY

AABD MANG-assets exempt from consideration for AABD MANG shall be as follows:
a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:

- 1) Homestead Property
- 2) Personal Property

A) Personal effects extraordinarily and household goods of reasonable value (reasonable value means the client's equity

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value in such property does not exceed \$2,000). Wedding and engagement rings and items required due to medical or physical condition.

B) Regardless of the value, personal effects and household goods are exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described in Section 120.386).

3) Resources (for example, land, buildings, equipment and supplies or tools) necessary for self-support up to \$6,000 of the individual's equity in the income producing property, provided the property produces a net annual income of at least six percent of the excluded equity value of the property. The equity value in excess of \$6,000 is applied toward the asset disregard. If the activity produces income that is less than six percent of the exempt equity due to reasons beyond the individual's control (for example, the individual's illness or crop failure) and there is a reasonable expectation that the individual's activity will increase to produce income equal to six percent of the equity value (for example, a medical prognosis that the individual is expected to respond to treatment or that drought resistant corn will be planted), the property is exempt. If the individual owns more than one piece of property and each produces income, each is looked at to determine if the six percent rule is met and then the amounts of the individual's equity in all of those properties are totaled to see if the total equity is \$6,000 or less.

4) Automobile

A) Exclude one automobile, regardless of value, used by the client, spouse, or other dependent if:

- i) it is necessary for employment;
- ii) it is necessary for the medical treatment of a specific or regular medical problem;
- iii) it is modified for operation by, or transportation of, a handicapped person;
- iv) it is necessary because of factors such as climate, terrain or distance to provide necessary transportation to perform essential daily activities; or
- v) one vehicle for each spouse is exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described in Section 120.386).

B) If not excluded in subsection (a)(4)(A) of this Section, exclude one automobile to the extent the fair market value does not exceed \$4500. Apply the excess fair market value toward the asset disregard (see 89 Ill. Adm. Code 113.142).

The Department will determine fair market value in accordance with 89 Ill. Adm. Code 121.57(b)(2)(D)(iv).

C) For all other automobiles, apply the equity value (fair market value minus any encumbrance) toward the asset

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disregard (see 89 Ill. Adm. Code 113.142).

5) Life insurance policies with a total face value of \$1,500 or less and all term life insurance policies. If the total face value exceeds \$1,500, the cash surrender value must be counted as a resource.

b) Burial spaces and funds are exempt as follows:

1) Burial spaces which are intended for the use of the individual, his or her spouse, or any other member of his or her immediate family. Immediate family is defined as an individual's minor and adult children, including adopted children and step-children, an individual's brothers, sisters, parents, adoptive parents, and the spouses of these individuals.

2) Funds set aside for the burial expenses of the individual and his or her spouse, subject to a limit of \$1,500 each. This limit will be reduced by the face value of any excluded life insurance policy and the amount of any funds held in an irrevocable trust or other irrevocable arrangement which is available for burial expenses.

3) Interest earned on excluded burial funds and appreciation in the value of excluded burial arrangements which occurred the earlier of the date of first SSI eligibility or the date of AABD eligibility, but no earlier than November 1, 1982 (see 20 CFR 416.1231(b)(5)(1989)).

4) Funds specifically and irrevocably set aside for the professional funeral services and burial expenses of the individual and his or her spouse, subject to a limit of \$4,000 each, including prepaid funeral and burial plans. This limit will be increased annually by three percent.

c) Assets necessary for fulfillment of an approved plan for achieving self support.

d) Trust funds are exempt as follows:

1) The principal of a trust fund only when the instrument establishing the trust specifically states the principal cannot be impaired.

2) The principal of a trust fund established under the Self Sufficiency Trust Fund Program [20 ILCS 1705/21.1].

e) Assets excluded by express provision of 20 CFR 416.1236 (1989).

f) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (for example, not available to the client or the responsible relative) over the donations or benefits or the disbursement of donations or benefits.

g) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under Public Law 101-201.

h) Money received from the Social Security Administration under a Plan to Achieve Self-Support (PASS) and held in a separate account.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- i) Disaster relief payments provided by federal, State or local government or a disaster assistance organization.
- j) The amount of earned income tax credit which the client receives as advance payment or as a refund of federal income tax.
- a) ~~the following assets are exempt from consideration in determining eligibility for MANG:~~
- 1) ~~A home which is the usual residence of the assistance unit.~~
 - 2) ~~Clothing, personal effects and household furnishings.~~
 - 3) ~~One automobile if the equity value does not exceed \$1500.~~
 - 4) ~~The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017 et seq.)~~
 - 5) ~~The value of the U.S. Department of Agriculture donated foods (surplus commodities).~~
 - 6) ~~The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as amended and the special food service program for child under the National School Lunch Act as amended.~~
 - 7) ~~Donations or benefits from fund-raisers held for a seriously ill client providing the client or responsible relative of the client does not have control (for example, not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.~~
- b) ~~AABD-MANG Assets exempt from consideration for AABD-MANG shall be the same as those listed in 09-III-Adm-Code-113-141.~~

(Source: Amended by emergency rulemaking at 22 Ill. Reg. ~~16640~~, effective September 1, 1998, for a maximum of 150 days)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Illinois Prepaid Tuition Program
- 2) Code Citation: 23 Ill. Adm. Code 2775
- 3) Section Numbers:

<u>Emergency Action:</u>	
2775.10	New Section
2775.20	New Section
2775.30	New Section
2775.40	New Section
2775.50	New Section
2775.60	New Section
2775.70	New Section
- 4) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Rules: September 11, 1998
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency rules will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: September 8, 1998
- 8) A copy of these emergency rules, including any material incorporated by reference, is on file in ISAC's principal office and is available for public inspection.
- 9) Reason for Emergency: Emergency action is needed in order to permit the timely performance of activities necessary to implement College Illinois, the Illinois Prepaid Tuition Program. Staff has been working to develop the necessary policies, procedures and systems to launch the program (i.e., to begin selling prepaid tuition contracts) during the fall/winter of 1998.

State legislation creating the Illinois Prepaid Tuition Program became law on November 13, 1997, as Public Act 90-546. However, at that time, no appropriations were approved to provide a loan to ISAC to cover administrative costs associated with the start-up of the program. On June 4, 1998, the Fiscal Year 1999 appropriations bill covering ISAC's programs and agency operations was signed into law as Public Act 90-585. This bill included a loan for \$1.25 million in start-up funding for College Illinois, and allowed the agency to hire the staff necessary to begin working on the accelerated timetable needed to launch the program on a timely basis.

In the authorizing legislation, the General Assembly found that the

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

general welfare and security of the State is enhanced by access to higher education for all residents who desire that education. In the absence of emergency rules, ISAC will not be able to offer prepaid tuition contracts to Illinois families until next year. This would deprive some Illinois families of access to this beneficial opportunity for financing their children's education, as well as the tax benefits that derive from this program. On the basis of the foregoing factors, ISAC finds that there is a threat to the public interest and welfare which constitutes an emergency within the meaning of Section 5-45 of the Illinois Administrative Procedure Act.

- 10) A Complete Description of the Subjects and Issues Involved: These emergency rules govern the administration of the new Illinois Prepaid Tuition Program. The rulemaking sets forth the participant eligibility requirements, program procedures, and numerous specific attributes of the prepaid tuition contracts to be issued under this program. ISAC intends to adopt permanent rules through the regular rulemaking process prior to the expiration of these emergency rules.
- 11) Are there any proposed amendments to the Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 13) Information and questions regarding these emergency rules/ amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
(847) 948-8500

The full text of the Emergency Rules begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2775

ILLINOIS PREPAID TUITION PROGRAM

Section	Summary and Purpose
2775.10	Summary and Purpose
EMERGENCY	
2775.20	Definitions
EMERGENCY	
2775.30	Participant Eligibility
EMERGENCY	
2775.40	Program Procedures
EMERGENCY	
2775.50	Contract Terms and Conditions
EMERGENCY	
2775.60	Scholarships, Grants or Monetary Assistance
EMERGENCY	
2775.70	Disclosure
EMERGENCY	

AUTHORITY: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. effective September 11, 1998, for a maximum of 150 days.

Section 2775.10 Summary and Purpose

EMERGENCY

- a) The Illinois Prepaid Tuition Program, also known as College Illinois!, provides Illinois families with a tax-advantaged method of saving for college. The purpose of the program is to encourage and better enable Illinois families to help themselves finance the cost of higher education.
- b) This Part establishes rules which govern the Illinois Prepaid Tuition Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2775.20 Definitions

EMERGENCY

"Illinois Community College" - A public community college as defined in Section 1-2 of the Public Community College Act.

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ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

"Illinois Prepaid Tuition Contract" or "Contract" - A contract entered into between the Illinois Student Assistance Commission, on behalf of the State of Illinois, and a purchaser under Section 45 of the Illinois Prepaid Tuition Act to provide for the higher education of a qualified beneficiary.

"Illinois Prepaid Tuition Program" or "Program" - The college savings and investment program created in Section 15 of the Illinois Prepaid Tuition Act.

"Illinois Prepaid Tuition Trust Fund" - The repository of all moneys received by the Commission including all contributions, appropriations, interest and dividend payments, gifts, or other financial assets received in connection with operation of the Illinois Prepaid Tuition Program.

"Illinois Public University" - Any campus of: the University of Illinois, Illinois State University, Chicago State University, Governors State University, Southern Illinois University, Northern Illinois University, Eastern Illinois University, Western Illinois University or Northeastern Illinois University.

"MAP-eligible Institution" - A public institution of higher education or a nonpublic institution of higher education whose students are eligible to receive need-based student financial assistance through Monetary Award Program (MAP) grants administered by the Illinois Student Assistance Commission under the Higher Education Student Assistance Act and whose students also are eligible to receive benefits under Section 529(a) of the Internal Revenue Code of 1986, as specified by the federal Small Business Act of 1996 and subsequent amendments to this federal law.

"Member of the Family" or "Immediate Family" - Member of the family as defined in the Internal Revenue Code, Section 529(e)(2), as amended, means an individual who bears a relationship to a qualified beneficiary as follows: son or daughter, or a descendant of either; stepson or stepdaughter; brother, sister, stepbrother, stepsister, half-brother, or half-sister; father or mother or an ancestor of either; stepfather or stepmother; son or daughter of a brother or sister; brother or sister of the father or mother; son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law; the spouse of any of the above; or the spouse. In determining whether any of these relationships exist, a legally adopted child of an individual shall be treated as a child of such individual by blood.

"Nonpublic Institution of Higher Education" - Any MAP-eligible educational organization, other than a public institution of higher

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education, that provides a minimum of an organized 2-year program at the postsecondary level and that operates in conformity with standards substantially equivalent to those of public institutions of higher education. This excludes any educational organization used principally for sectarian instruction, as a place of religious teaching or worship, or for any religious denomination for the training of ministers, rabbis, or other professional persons in the field of religion.

"Public Institution of Higher Education" - An Illinois public university or Illinois community college.

"Purchaser" - Any person that has contracted to make payments under an Illinois prepaid tuition contract in accordance with State and federal laws.

"Qualified Beneficiary" - An individual designated as the recipient of the benefits of a prepaid tuition contract, provided he/she: has been a resident of this State for at least 12 months prior to the date of the application; or is a nonresident, so long as the purchaser has been a resident of the State for at least 12 months prior to the date of the application; or is less than one year of age and is a relative of an Illinois resident.

"Registration Fees" - The charges derived by combining tuition and mandatory fees.

Section 2775.30 Participant Eligibility
EMERGENCY

- a) The purchaser or qualified beneficiary must have been a resident of the State of Illinois for twelve continuous full months on the date of the application. Proof of residency shall be submitted to ISAC upon request.
- b) For a purchaser, a qualified beneficiary, the parent or legal guardian of a qualified beneficiary, or a member of the family of a qualified beneficiary, evidence of residency may be provided by documentation consistent with the requirements of 23 Ill. Adm. Code 2700.50(g)(3).
- c) For the purpose of establishing the residency status of a minor child as a qualified beneficiary, a progress report from the child beneficiary's day care center, preschool, or other school of attendance indicating twelve months of residency in Illinois will also be considered sufficient evidence.
- d) In the absence of other proof of residency for the qualified beneficiary, the parents' or legal guardians' residency shall be determinative.
- e) There is no age limit with regard to the qualified beneficiary of an Illinois prepaid tuition contract.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Section 2775.40 Program Procedures

EMERGENCY

- a) Application/Master Agreement
 - 1) The application period for purchases of contracts for the prepayment of postsecondary registration fees shall commence and terminate on dates set annually and announced publicly by the Commission.
 - 2) After receipt and approval of the purchaser's application/master agreement, a participation and payment schedule shall be mailed to the purchaser. The contract itself shall be comprised of the application/master agreement, participation and payment schedule. The purchaser must sign and date the application for it to be deemed complete and valid.
 - 3) Each prepaid tuition contract must have one person designated as purchaser and one person designated as qualified beneficiary.
- b) Contract Prices and Fees

The Commission shall annually review contract prices and adjust prices for new contracts, referencing annual changes in registration fees at Illinois public universities and community colleges. An implied interest rate for installment payment plans annually will be calculated, and subsequently approved or reaffirmed by the Commission as part of its pricing policy for the program. The Commission also annually shall approve a schedule of administrative fees or changes to fees for the program, including, but not limited to, application, late payment, cancellation and monthly maintenance fees.
- c) Payment Options

Purchasers may make payments through a variety of means. Automated clearinghouse checks, payroll deductions or payments via coupon books will be acceptable. Payments are due in accordance with conditions set forth in the contract. Payments may be made by lump sum or by installments. All installment contracts shall be for a period of five years, except that contracts for at least 120 credit hours may be payable, by installments, over a 10-year period. No penalty shall be assessed for early payment of installment contracts.
- d) Delinquency and Default

Failure to make any payment within fifteen days of the due date shall result in assessment of a late fee and suspension of the qualified beneficiary's rights under the plan. A purchaser may reinstate his or her status in good standing within 180 days of this delinquency, provided all delinquent amounts have been paid. If no payments have been received within 210 days of the scheduled payment date, the account is canceled and the purchaser is sent the appropriate refund amount.
- e) Termination

There are two types of contract termination, involuntary and voluntary:

 - 1) Involuntary termination shall occur upon a finding of fraud in

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Section 2775.50 Contract Terms and Conditions

EMERGENCY

- 2) Voluntary termination shall occur within thirty days of receiving written notice of a purchaser's desire to cancel a contract.
- f) Refunds

Generally, no refund shall exceed the amount paid into the Illinois Prepaid Tuition Trust Fund by the purchaser and no refund shall be authorized under any prepaid tuition contract for any term partially attended but not completed. Refunds shall be made payable to the order of the purchaser only. The Commission shall authorize refunds in excess of the amount paid into the Illinois Prepaid Tuition Trust Fund under the following conditions:

 - 1) When a qualified beneficiary is awarded a grant or scholarship, the terms of which duplicate the benefits covered by his or her prepaid tuition contract, then the moneys paid for the purchase of the contract shall be returned to the purchaser, in term installments that coincide with the matriculation of the qualified beneficiary, in an amount equal to the lesser of:
 - A) the original purchase price plus two percent interest compounded annually, or
 - B) the current cost of the registration fees at the MAP-eligible institution at which the qualified beneficiary is enrolled.
 - 2) In the event of death or total disability of the qualified beneficiary, moneys paid for the purchase of the contract shall be returned to the purchaser together with all accrued earnings.
 - 3) In cases where a Public University Plan contract is converted for usage at a Community College, then the amount refunded shall be on a term-by-term basis. The refund should be the current value of the original contract minus the current value of the contract after conversion.
 - 4) In all instances of a voluntary contract cancellation, the amount refunded shall be the original purchase price of the contract plus two percent compounded annually, less a cancellation fee.

a) Contract Types

- The program shall offer purchasers at least two different types of contracts: a Public University Plan and a Community College Plan. Additional contract plans may be offered. All contract types shall cover registration fees.
- 1) The Public University Plan specifies that up to 9 terms, or 135 credit hours, at an Illinois Public University may be purchased for the benefit of a qualified beneficiary. Applicants may choose to purchase as little as one term, or 15 credit hours, at a time.

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- 2) The Community College Plan specifies that up to 4 terms, or 60 credit hours, at an Illinois Community College may be purchased for the benefit of a qualified beneficiary. Applicants may choose to purchase as little as one term, or 15 credit hours, at a time.
- b) Contract Benefits
 - 1) The registration fees contracted for by the purchaser shall be paid at the time of enrollment of the qualified beneficiary. The credit hours purchased may be used during any term of postsecondary undergraduate enrollment. To receive benefits under this program, a qualified beneficiary whose contract is in good standing will be issued an identification card. No identification card will be issued to a qualified beneficiary until a bona fide social security number is submitted.
 - 2) Without exception, no contract benefits may be received by a qualified beneficiary of an Illinois prepaid tuition contract earlier than three years from the date the contract is purchased.
- c) Contract Requirements
 - 1) Purchasers must name a qualified beneficiary in the application. Only one qualified beneficiary is allowed per contract.
 - 2) In the event duplicate applications for the same qualified beneficiary are processed, the application processed first shall be deemed valid and the remaining application or applications shall be deemed valid, if and only if, they provide for registration fees not already covered by previous applications.
 - 3) The purchaser does not have to designate the postsecondary institution which the qualified beneficiary is expected to attend.
 - 4) The benefits of a contract may be used within three years in advance of the selected matriculation date indicated in the application with no penalty or additional cost. However, to utilize a contract prior to the selected matriculation date, the purchaser must pay the contract in full before changing such matriculation date.
 - 5) Benefits may be received for up to a 10-year period after the qualified beneficiary's first enrollment date. This 10-year limitation may be extended upon application to the Commission and the payment of a renewal fee assessed at that time. Any time spent by the qualified beneficiary in the military service counts as part of the time period for receiving contract benefits under all contract plans.
- d) Contract Exclusions
 - 1) Prepaid tuition contract plans do not cover payment of registration fees for graduate programs, adult basic programs, adult secondary programs, or postsecondary adult vocational programs.
 - 2) Purchasers may request approval to apply unexpended prepaid tuition credits toward payment of graduate school registration

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- fees, in cases where other prepaid tuition contract benefits already have been utilized for undergraduate education and an undergraduate degree has been conferred.
- e) Change of Purchaser and Change of Qualified Beneficiary
 - 1) The purchaser of a contract may be changed upon written request of the original purchaser and the new purchaser. The new purchaser must meet the requirements of a qualified purchaser contained in the master agreement.
 - 2) Upon written request, contract benefits may be transferred by the purchaser to a new qualified beneficiary prior to actual use. The new qualified beneficiary must be a member of the family of the original qualified beneficiary.
 - f) Benefit Portability and Conversion Between Public Universities and Community Colleges
 - 1) Public University Plan benefits may be converted for usage at community colleges and Community College Plan benefits may be converted for usage at public universities.
 - 2) Benefits shall be converted by referencing the relative current average mean-weighted credit hour value of registration fees purchased under the contract. Such benefit conversions shall be authorized on a term-by-term basis and no fee shall be assessed for conversion of benefits among in-State public institutions.
 - g) Benefit Portability and Conversion to Nonpublic and Out-of-State Higher Education Institutions
 - 1) Public University Plan and Community College Plan contract benefits may be converted for payment of registration fees at nonpublic and out-of-state not-for-profit higher education institutions.
 - 2) Benefits shall be converted by referencing the current average mean-weighted credit hour value of registration fees purchased under the contract. Each term, the Commission shall cause to have transferred this amount, less a transfer fee, to the nonpublic or out-of-state institution on behalf of the qualified beneficiary.

Section 2775.60 Scholarships, Grants or Monetary Assistance
EMERGENCY

- a) For purposes of determining a student's eligibility for any scholarship, grant or monetary assistance awarded by the Commission, the State, or any agency thereof, the value of any Illinois prepaid tuition contract shall not be considered as an asset when evaluating the financial situation of the qualified beneficiary, or be deemed a financial resource or form of financial aid or assistance for the qualified beneficiary.
- b) If contract benefits are considered for purposes of determining eligibility for federal student financial assistance, contributions toward the purchase of a prepaid tuition contract shall not reduce the

ILLINOIS STUDENT ASSISTANCE COMMISSION

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amount of any scholarship, grant, or monetary assistance that the qualified beneficiary is eligible to be awarded by the Commission, the State or any agency thereof.

**Section 2775.70 Disclosure
EMERGENCY**

- a) Information that identifies purchasers or qualified beneficiaries of Illinois prepaid tuition contracts is exempt from inspection, copying, or public disclosure under the Freedom of Information Act.
- b) The Commission nonetheless authorizes its program records administrator to release such information to appropriate personnel at the MAP-eligible institution at which the qualified beneficiary may enroll or is already enrolled or to another State or federal agency, for purposes deemed appropriate by the Commission.
- c) Any institution to which this information is released by the Commission shall ensure the continued confidentiality of the information.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

**NOTICE OF REVOCATION UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987**

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5 (g) (1996), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has revoked the license of American Funding Group, South Holland, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder effective September 1, 1998.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF REVOCATION UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5 (g) (1996), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has revoked the license of Approved Mortgage Corp., Oak Forest, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder effective, September 8, 1998.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
SEPTEMBER 22, 1998

NOTICES: Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSChildren and Family Services

1. Services Delivered by the Department (89 Ill Adm Code 302)
-First Notice Published: 22 Ill Reg 7424 - 5/1/98
-Expiration of Second Notice: 9/24/98

Commerce Commission

2. Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities (83 Ill Adm Code 595)
-First Notice Published: 22 Ill Reg 11262 - 7/6/98
-Expiration of Second Notice: 10/15/98

Corrections

3. Municipal Jail and Lockup Standards (20 Ill Adm Code 720)
-First Notice Published: 22 Ill Reg 8608 - 5/22/98
-Expiration of Second Notice: 10/3/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
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Elections

4. Registration of Voters (26 Ill Adm Code 216)
-First Notice Published: 21 Ill Reg 13697 - 10/17/97
-Expiration of Second Notice: 10/10/98

Environmental Protection Agency

5. Public Participation in the Air Pollution Control Permit Program (35 Ill Adm Code 252)
-First Notice Published: 22 Ill Reg 10807 - 6/19/98
-Expiration of Second Notice: 10/3/98

Gaming Board

6. Riverboat Gambling (86 Ill Adm Code 3000)
-First Notice Published: 22 Ill Reg 9113 - 5/29/98
-Expiration of Second Notice: 10/1/98

Human Services

7. Office of Inspector General Investigations of Alleged Abuse or Neglect and Deaths in State - Operated and Community Agency Facilities (59 Ill Adm Code 50)
-First Notice Published: 22 Ill Reg 95 - 1/2/98
-Expiration of Second Notice: 10/8/98
8. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)
-First Notice Published: 22 Ill Reg 10961 - 6/26/98
-Expiration of Second Notice: 10/8/98
9. Related Program Provisions (89 Ill Adm Code 117)
-First Notice Published: 22 Ill Reg 10983 - 6/26/98
-Expiration of Second Notice: 10/8/98
10. Collections and Recoveries (89 Ill Adm Code 165)
-First Notice Published: 22 Ill Reg 10969 - 6/26/98
-Expiration of Second Notice: 10/8/98
11. Program Description (89 Ill Adm Code 676)
-First Notice Published: 22 Ill Reg 7827 - 5/8/98
-Expiration of Second Notice: 9/25/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
SEPTEMBER 22, 1998

Insurance

12. Insurance Cost Containment Annual Fee (50 Ill Adm Code 4201)
-First Notice Published: 22 Ill Reg 11000 - 6/26/98
-Expiration of Second Notice: 10/16/98

Professional Regulation

13. The Illinois Nursing Act of 1987 (68 Ill Adm Code 1300)
-First Notice Published: 22 Ill Reg 8764 - 5/22/98
-Expiration of Second Notice: 10/4/98

Public Aid

14. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 22 Ill Reg 11005 - 6/26/98
-Expiration of Second Notice: 10/11/98

Public Health

15. Illinois Home Health Agency Code (77 Ill Adm Code 245)
-First Notice Published: 22 Ill Reg 6109 - 4/3/98
-Expiration of Second Notice: 9/24/98

16. Hospital Licensing Requirements (77 Ill Adm Code 250)
-First Notice Published: 22 Ill Reg 6088 - 4/3/98
-Expiration of Second Notice: 9/24/98

17. Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)
-First Notice Published: 22 Ill Reg 6185 - 4/3/98
-Expiration of Second Notice: 9/24/98

18. Sheltered Care Facilities Code (77 Ill Adm Code 330)
-First Notice Published: 22 Ill Reg 6166 - 4/3/98
-Expiration of Second Notice: 9/24/98

19. Illinois Veterans' Homes Code (77 Ill Adm Code 340)
-First Notice Published: 22 Ill Reg 6119 - 4/3/98
-Expiration of Second Notice: 9/24/98

20. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
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-First Notice Published: 22 Ill Reg 6133 - 4/3/98
-Expiration of Second Notice: 9/24/98

21. Community Living Facilities Code (77 Ill Adm Code 370)
-First Notice Published: 22 Ill Reg 6074 - 4/3/98
-Expiration of Second Notice: 9/24/98
22. Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)
-First Notice Published: 22 Ill Reg 6150 - 4/3/98
-Expiration of Second Notice: 9/24/98

23. Newborn Metabolic Screening and Treatment Code (77 Ill Adm Code 661)
-First Notice Published: 22 Ill Reg 8368 - 5/15/98
-Expiration of Second Notice: 10/11/98

24. Food Service Sanitation Code (77 Ill Adm Code 750)
-First Notice Published: 21 Ill Reg 13763 - 10/17/97
-Expiration of Second Notice: 10/11/98

25. Grade A Pasteurized Milk and Milk Products (77 Ill Adm Code 775)
-First Notice Published: 22 Ill Reg 5797 - 3/27/98
-Expiration of Second Notice: 10/9/98

Revenue

26. Income Tax (86 Ill Adm Code 100)
-First Notice Published: 22 Ill Reg 6882 - 4/17/98
-Expiration of Second Notice: 10/10/98

27. Motor Fuel Tax (86 Ill Adm Code 500)
-First Notice Published: 22 Ill Reg 7895 - 5/8/98
-Expiration of Second Notice: 9/23/98

Secretary of State

28. Standard Procurement (44 Ill Adm Code 2000)
-First Notice Published: 22 Ill Reg 11695 - 7/10/98
-Expiration of Second Notice: 10/11/98

State Fire Marshal

29. Boiler and Pressure Vessel Safety (41 Ill Adm Code 120)
-First Notice Published: 22 Ill Reg 6786 - 4/17/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
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CHICAGO, ILLINOIS
10:30 A.M.
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-Expiration of Second Notice: 10/15/98

State Police Merit Board

30. Procedures of the Department of State Police Merit Board (80 Ill Adm Code 150)
-First Notice Published: 22 Ill Reg 8376 - 5/15/98
-Expiration of Second Notice: 9/26/98

Teachers' Retirement System

31. The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)
-First Notice Published: 22 Ill Reg 12502 - 7/17/98
-Expiration of Second Notice Period: 10/15/98

EMERGENCY AND PEREMPTORY RULEMAKINGSCentral Management Services

32. Pay Plan (80 Ill Adm Code 310) (Peremptory)
-Notice Published: 22 Ill Reg 15489 - 8/21/98

Human Services

33. Temporary Assistance for Needy Families (89 Ill Adm Code 112) (Emergency)
-Notice Published: 22 Ill Reg 16365 - 9/11/98
34. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113) (Emergency)
-Notice Published: 22 Ill Reg 16348 - 9/11/98

35. General Assistance (89 Ill Adm Code 114) (Emergency)
-Notice Published: 22 Ill Reg 16356 - 9/11/98

36. Determination of Need (DON) and Resulting Service Cost Maximums (SCMs) (89 Ill Adm Code 679) (Emergency)
-Notice Published: 22 Ill Reg 16031 - 9/4/98

Nuclear Safety

37. Quality Standards and Certification Requirements for Facilities Performing Mammography (32 Ill Adm Code 370) (Emergency)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
SEPTEMBER 22, 1998

-Notice Published: 22 Ill Reg 14972 - 8/14/98

Public Aid

38. Special Eligibility Groups (89 Ill Adm Code 118) (Emergency)

-Notice Published: 22 Ill Reg 15724 - 8/28/98

39. Children's Health Insurance Program (89 Ill Adm Code 125) (Emergency)

-Notice Published: 22 Ill Reg 15706 - 8/28/98

40. Hospital Services (89 Ill Adm Code 148) (Emergency)

-Notice Published: 22 Ill Reg 15027 - 8/14/98

Revenue

41. Electricity Excise Tax Law (86 Ill Adm Code 511) (Emergency)

-Notice Published: 22 Ill Reg 15485 - 8/21/98

AGENCY RESPONSESCapital Development Board

42. Procurement Practices (44 Ill Adm Code 910)

Community College Board

43. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)

Property Tax Appeal Board

44. Practice and Procedure for Hearings Before the Property Tax Appeal Board (86 Ill Adm Code 1910)

Revenue

45. Retailers' Occupation Tax (86 Ill Adm Code 100)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 1, 1998 through September 7, 1998 and have been scheduled for review by the Committee at its September 22, 1998 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
10/15/98	Teachers' Retirement System, The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)	7/17/98 22 Ill Reg 12502	9/22/98
10/15/98	Illinois Commerce Commission, Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities (83 Ill Adm Code 595)	7/6/98 22 Ill Reg 11262	9/22/98
10/15/98	Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill Adm Code 120)	4/17/98 22 Ill Reg 6786	9/22/98
10/16/98	Department of Insurance, Insurance Cost Containment Annual Fee (50 Ill Adm Code 4201)	6/26/98 22 Ill Reg 11000	9/22/98

PROCLAMATIONS

98-435

BUD AND NAN KUNTZMAN DAY

Whereas, Lester Eugene Kuntzman was born March 22, 1927, the son of Harold and Goldie Kuntzman, and Mary Nanette Flanders was born May 7, 1931, the daughter of Lucian and Velma Flanders; and

Whereas, Lester Eugene and Mary Nanette, known to most as Bud and Nan, were married on July 27, 1948, in Taylorville, Illinois, where they continue to reside; and

Whereas, Bud and Nan have three sons, one daughter, and their spouses. They are, David, Linda, Gary, JoAnn, Kathy, Wayne, Scott, and Beth; and

Whereas, Bud and Nan's grandchildren include Steve, Debbie, Jennifer, Jim, James, Penny, Chris, Karen, Kim, Kelly, John, Luke, Nick, Jerry, Heather, Chrissy, Adam, and Bryan and they also have five great-grandchildren, Cody, Lacey, Quinteen, J.T., and Kyle; and

Whereas, Bud and Nan spend much of their pastime at their lake lot, which has served as the site of many enjoyable family gatherings; and

Whereas, after Bud's retirement from Fiat-Allis and Nan's retirement from Liberty Mutual, "Kuntzman's Kratts" was established by the combination of Bud's woodworking and Nan's painting; and

Whereas, Bud and Nan joined their loved ones on July 25, 1998, for a family dinner, and were the guests of honor at a reception held by their children and grandchildren on July 26, 1998; and

Whereas, Bud and Nan will celebrate their Fiftieth Wedding Anniversary on July 27, 1998, and on this special occasion, their family wishes to thank them for many years of happiness, and the unforgettable memories the family has been able to share;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 27, 1998, as BUD AND NAN KUNTZMAN DAY in Illinois in honor of their fifty years of marriage and wish them many years of happiness for the future.

Issued by the Governor July 24, 1998.

Filed by the Secretary of State August 14, 1998.

98-436

CONSTITUTION WEEK

Whereas, our founding fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

Whereas, it is of the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to support it, preserve it, and defend it against encroachment; and

Whereas, the 211th anniversary of the signing of the Constitution provides an historic opportunity for all Americans to realize the achievements of the framers of the Constitution and the rights, privileges, and responsibilities it affords; and

Whereas, the independence guaranteed to American citizens, whether by birth or naturalization, should be celebrated by appropriate ceremonies and activities during Constitution Week as designated by proclamation of the President of the United States of America in accordance with Public Law 915;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

September 17-23, 1998, as CONSTITUTION WEEK in Illinois and urge all citizens to acknowledge the importance of our Constitution and the benefits of American citizenship.

Issued by the Governor July 30, 1998.

Filed by the Secretary of State August 14, 1998.

98-437

NO CRIME DAY

Whereas, the Black on Black Love Organization has been a pioneer in the African American community; and

Whereas, Black on Black Love's mission is to create programs designed to break the cycle of crime in our society; and

Whereas, the purpose of the Black on Black Love Organization is to replace black on black crime with black on black love, respect and self-discipline; and

Whereas, Black on Black Love has nurtured human development and growth potential in the lives of many; and

Whereas, Black on Black Love is sponsoring a "No Crime Day" on August 15, 1998, to address crime in our communities; and

Whereas, this day of unity combines family entertainment with a powerful message that the violence in society must stop; and

Whereas, family, friends, entrepreneurs, community leaders, politicians and the Chicago community will participate in this event;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 15, 1998, as NO CRIME DAY in Illinois.

Issued by the Governor July 30, 1998.

Filed by the Secretary of State August 14, 1998.

98-438

CHASE CORPORATE CHALLENGE DAY

Whereas, Chase Manhattan Bank will sponsor the 17th annual Chase Corporate Challenge in August; and

Whereas, the purpose of the Corporate Challenge is to promote goodwill within the corporate community while providing fitness opportunities for individuals in the corporate environment; and

Whereas, the Corporate Challenge is the largest corporate road race in the State of Illinois, with over 15,000 runners representing 700 different companies; and

Whereas, the Chase Corporate Challenge is an international series, holding events in 15 different United States cities and internationally, in London, England, and Frankfurt, Germany; and

Whereas, the Chicago event, consisting of a 3.5 mile, starting at 6:45p.m. for men and 7:05p.m. for women, will take place in the heart of downtown Chicago, beginning at the corners of Columbus and Balboa Drive and utilizing the roadways around Grant Park; and

Whereas, the portion of the proceeds of the Chase Corporate Challenge will support the Pooler Montgomery Foundation, an introductory running program for children ages 10 to 14; and

Whereas, in addition to Chase Manhattan Bank, this worthy event is sponsored nationally by American Airlines, Business Week, the New York Times,

PowerBar, Saucony, the Athlete's Foot, and Tiffany and Co. and locally by the Chicago Hilton and Towers and Sparkling Spring Water;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 6, 1998, to be CHASE CORPORATE CHALLENGE DAY in Illinois.

Issued by the Governor July 30, 1998.

Filed by the Secretary of State August 14, 1998.

98-439

HARRY CARAY DAY

Whereas, Harry Caray was born March 1, 1914, in St. Louis, Missouri; and
Whereas, Harry was beloved by his wife, Dutchie, 10 children and 15 grandchildren; and

Whereas, Harry's broadcasting career spanned from 1945-1998, serving as the announcer for the St. Louis Cardinals, the Oakland A's, and the Chicago White Sox. In 1982, Harry joined the Chicago Cubs' broadcasting team, where he served the remainder of his career; and

Whereas, Harry's rendition of "Take Me Out to the Ballgame" during the 7th Inning Stretch became an institute of the national pastime; and

Whereas, Harry was elected to the National Sportscasters and Sportswriters Hall of Fame in 1988; and

Whereas, he was the recipient of The Ford C. Frick Award in 1989 and was honored during Hall of Fame ceremonies; and

Whereas, Harry was the 1994 radio inductee into the National Association of Broadcasters' Hall of Fame; and

Whereas, Harry celebrated 53 seasons of broadcasting major league baseball, including 16 seasons with the Chicago Cubs; and

Whereas, Harry Caray passed away on February 18, 1998; and

Whereas, the Chicago Cubs will hold a tribute to Hall of Fame Broadcaster, Harry Caray, on August 2, 1998, at Wrigley Field;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 2, 1998, as HARRY CARAY DAY in Illinois.

Issued by the Governor July 31, 1998.

Filed by the Secretary of State August 14, 1998.

98-440

ILLINOIS NATURE PRESERVES COMMISSION MONTH

Whereas, the State of Illinois was the first state in the union to create a commission with the express purpose of protecting the state's highest quality natural resources; and

Whereas, the Illinois Nature Preserves Commission is celebrating 35 years of protecting Illinois' finest remaining examples of prairies, forests, wetlands and other natural areas since being established by law on August 28, 1963; and

Whereas, the Illinois Natural Preserves Commission focuses its conservation efforts on the protection of Illinois' best remaining natural areas as identified by the Illinois Natural Areas Inventory, a landmark scientific effort carried out in the 1970's to locate and describe elements of what remains of Illinois' dwindling native landscape; and

Whereas, the Illinois Nature Preserves Commission promotes the preservation of these significant lands and oversees their stewardship, management and

protection; and

Whereas, there are currently 279 dedicated Nature Preserves in Illinois totaling more than 36,000 acres located in 73 of Illinois' 102 counties; and

Whereas, there are currently 21 areas registered under the four-year-old program, the Register of Land and Water Reserves, totaling more than 3,000 acres; and

Whereas, the Illinois Nature Preserves Commission cultivates a strong partnership with its many landowners, recognizing that these individuals, governmental bodies and not-for-profits are instrumental in protecting Illinois' significant ecological resources;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 1998 as ILLINOIS NATURE PRESERVES COMMISSION MONTH in Illinois in recognition of the Commission's 35th Anniversary, and I urge the citizens of the State of Illinois to recognize the importance of protecting our rare natural resources.

Issued by the Governor July 31, 1998.

Filed by the Secretary of State August 14, 1998.

98-441

RICK SPRINGFIELD DAY

Whereas, Rick Springfield began his music career in the 1970's with the band, "Zoot", and then began a successful solo career in the United States; and

Whereas, he starred as Dr. Noah Drake on the soap opera "General Hospital", developing a tremendous fan following; and

Whereas, he hit the top of the charts with such classic songs as: "Jessie's Girl", "Don't Talk to Strangers", and "Love Somebody"; and

Whereas, Rick Springfield has entertained millions of people throughout the world with music that has wide-ranging appeal; and

Whereas, he has played venues across the great State of Illinois during his career including Chicago, Peoria, the Capital City of Springfield, and now the City of Decatur; and

Whereas, Rick Springfield will be perform his hit songs today at "Decatur Celebration";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 2, 1998, as RICK SPRINGFIELD DAY in Illinois.

Issued by the Governor July 31, 1998.

Filed by the Secretary of State August 14, 1998.

98-442

SHERIDAN SHORE YACHT CLUB DIAMOND JUBILEE DAY

Whereas, the Sheridan Shore Yacht Club, located in the community of Wilmette, will be celebrating 75 years of operation with a Diamond Jubilee on August 8, 1998; and

Whereas, the Sheridan Shore Yacht Club was founded in 1923 and has been serving the metropolitan community of Chicago ever since; and

Whereas, the Sheridan Shore Yacht Club has provided important recreational opportunities, including sailing lessons, safety seminars, and racing, to both young and old; and

Whereas, the Sheridan Shore Yacht Club has shared its facilities with numerous community organizations, including the Coast Guard Auxiliary; and

Whereas, the Diamond Jubilee will be celebrated with such events as an invitation race at Wilmette Harbor, historical lectures, and a formal dinner; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 8, 1998, as SHERIDAN SHORE YACHT CLUB DIAMOND JUBILEE DAY in Illinois.

Issued by the Governor July 31, 1998.
Filed by the Secretary of State August 14, 1998.

98-443

SPRINGFIELD SOUTHERN BAPTIST CHURCH DAY

Whereas, November 15, 1998, marks the 50th anniversary of Springfield Southern Baptist Church; and

Whereas, the church began as a group of individuals who saw a need for a second Southern Baptist church in Springfield. This group met on October 29, 1948, in the Blue Room of the St. Nicholas Hotel and there began the organizational process. Soon thereafter, the present site of the church on Third and North Grand Avenue was chosen; and

Whereas, just a little over two years after its first meeting, Springfield Southern Baptist Church began a mission church, Roanoke Baptist, on Springfield's north side; and

Whereas, it has also helped sponsor other mission churches in the communities of Rochester and Riverton and, in keeping with its commitment to Springfield, has sponsored churches on Springfield's east and west sides; and

Whereas, over the past 50 years, Southern Baptist has remained constant in membership and continues to build lives in Christ and serve their community as well as the world; and

Whereas, in 1997, Springfield Southern gave \$68,000 to International and North American causes. Today, the 715 members of Springfield Southern Baptist Church continue to send out missionaries into the community and the world;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 15, 1998, as SPRINGFIELD SOUTHERN BAPTIST CHURCH DAY in Illinois.

Issued by the Governor July 31, 1998.

Filed by the Secretary of State August 14, 1998.

98-444

UNITY MONTH

Whereas, the fabric of our society is made stronger through good relations between people of different races and ethnic groups; and

Whereas, the City of Chicago has many groups and organizations working to bring people together through work, play, education, prayer, and civic activities; and

Whereas, the Chicago Commission on Human Relations and the Human Relations Foundation (a supporting organization of the Chicago Community Trust), in coordination with other organizations throughout the city, will celebrate Unity Month during September 1998; and

Whereas, civic, religious, and corporate leaders, as well as many others, will join in support of unity, peace, and justice at various events to be held throughout the month;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 1998 as UNITY MONTH in Illinois in recognition of the significant role human relations plays in the future of our nation.

Issued by the Governor July 31, 1998.

Filed by the Secretary of State August 14, 1998.

98-445

ILLINOIS HIGH SCHOOL THEATER FESTIVAL DAYS

Whereas, this year, the Illinois Theater Association, with sanctioning by the Illinois State Board of Education, will produce the 24th annual Illinois High School Theater Festival entitled, "Theater: Creativity Through Collaboration;" and

Whereas, this festival is the largest high school theater festival anywhere and this year's event is expected to be the largest ever; and

Whereas, the University of Illinois at Champaign-Urbana will play host to over 3,500 high school theater enthusiasts January 7-9, 1999; and

Whereas, the Illinois High School Theater Festival (IHSTF) provides an indispensable experience for theater students in Illinois; and

Whereas, students attending this year's event will participate in workshops, share performances, interact with college and university theater programs, audition, experience the excitement of at least one professional theatrical presentation, experience the highest quality high school theater by attending a performance of the All-State Play, and much more; and

Whereas, everyone involved in the planning of this festival volunteers their time and energy because they feel that this festival brings the students of Illinois a critical experience in the art of theater;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 7-9, 1999, as ILLINOIS HIGH SCHOOL THEATER FESTIVAL DAYS in Illinois.

Issued by the Governor August 3, 1998.

Filed by the Secretary of State August 14, 1998.

98-446

MAXINE POHILL DAY

Whereas, Maxine Pohill was born August 8, 1908, in Industry, Illinois; and

Whereas, Maxine is the daughter of Edward and Jesse Laughlin, one of four children, two sisters and one brother; and

Whereas, she married Ray B. Pohill on June 25, 1931, in Industry, Illinois; and

Whereas, Maxine worked along side her husband, Ray, in the family-owned business, Pohill Implement in Milledgeville, Illinois, which they founded in 1936; and

Whereas, Mrs. Pohill is the mother of three sons, Allen, Lee, and Ray; and

Whereas, her activities include the Milledgeville United Methodist Church, playing bridge avidly three or four times a month, and traveling; and

Whereas, she is still active in her community, lives independently, and keeps abreast of community news and activities; and

Whereas, Maxine's sharp mind, amazing memory, captivating smile, great sense of humor, and remarkable inner strength are a wonderful inspiration to her family and friends; and

Whereas, Maxine is celebrating her 90th birthday on August 8, 1998; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 8, 1998, as MAXINE POHILL DAY in Illinois.

Issued by the Governor August 3, 1998.

Filed by the Secretary of State August 14, 1998.

98-447
SUPERINTENDENT GEORGE LIGGINS DAY

Whereas, 1998 marks two significant occasions for the Evangelistic Crusaders Church of God in Christ; and

Whereas, the Evangelistic Crusaders Church of God in Christ will be celebrating 25 years of service to God, family and the community, as well as, the 81st birthday of their Founder and Pastor, Elder George Liggins; and

Whereas, During this time, Pastor George Liggins has been an active and instrumental part of restructuring the environment on the entire 90th block of Cottage Grove Avenue; and

Whereas, through his ministry and dedication, the people of the community have a haven in which to worship and be edified spiritually and naturally; and

Whereas, Pastor Liggins' hard work and commitment to the community and citizens of Chicago is commendable; and

Whereas, the Evangelistic Crusaders Church of God in Christ will honor Pastor Liggins and his commitment and service to God, family and the community with a Culmination Service on Sunday, September 20, 1998;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 20, 1998, as SUPERINTENDENT GEORGE LIGGINS DAY in Illinois.

Issued by the Governor August 3, 1998.

Filed by the Secretary of State August 14, 1998.

98-448

CREDIT UNION WEEK/CREDIT UNION DAY

Whereas, credit unions are individual, independent cooperatives founded by people seeking economic advancement, and are passports to opportunity for people seeking ways to improve the conditions of their lives and those of their families; and

Whereas, credit unions in 85 nations around the world share a strong commitment to serving 89 million members through 36,244 institutions associated through local, state, regional, and international organizations; and

Whereas, Illinois continues to be a leader in the credit union movement, with more than 1,900,000 Illinois citizens as members of 500 state chartered credit unions; and

Whereas, the 73rd anniversary of the enactment of the Credit Union Law in Illinois will be celebrated throughout the state in October, when International Credit Union Day, Week, and Month are observed,

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1998 as CREDIT UNION MONTH; October 12-16, 1998, as CREDIT UNION WEEK; and October 15, 1998, as CREDIT UNION DAY in Illinois.

Issued by the Governor August 3, 1998.

Filed by the Secretary of State August 14, 1998.

98-449

POLISH ROMAN CATHOLIC UNION DAY

Whereas, for 125 years the Polish Roman Catholic Union of America has been

contributing to the welfare and well-being of its members and the people of the State of Illinois, where its headquarters are located; and

Whereas, the Polish Roman Catholic Union of America is a fraternal society, licensed in 24 states, which engages in many charitable, philanthropic and patriotic endeavors of benefit to the Polish American community; and

Whereas, the Polish Roman Catholic Union of America maintains the Polish Museum of America which preserves the history, culture, traditions and heritage of Poles in America; and

Whereas, the Polish Roman Catholic Union of America sponsors 22 Polish language and dance schools in five states which serve over 1,700 children each year; and

Whereas, the Polish Roman Catholic Union of America sponsors national sports tournaments for adults, a variety of social activities, and youth activities; and

Whereas, the Polish Roman Catholic Union of America encourages its members to obtain a higher education by offering scholarships and educational loans to college and graduate students; and

Whereas, the Polish Roman Catholic Union of America will celebrate its 125th Anniversary at the Opening Ceremonies of its 57th National Quadrennial Convention in Philadelphia, Pennsylvania, on August 9, 1998; and

Whereas, Edward Dykla, National President of the Polish Roman Catholic Union of America, is to be commended for his dedication and commitment to the Polish American community in the United States;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 9, 1998, as POLISH ROMAN CATHOLIC UNION DAY in Illinois.

Issued by the Governor August 4, 1998.

Filed by the Secretary of State August 14, 1998.

98-450

SCHOOL'S OPEN SAFETY WEEK

Whereas, AAA School Safety Patrol members in bright-orange Patrol belts soon will be on duty guiding their fellow students as they cross busy intersections near the schools; and

Whereas, the student Safety Patrols, pioneered by the AAA-Chicago Motor Club in 1920, provide life-saving protection for thousands of school children statewide; and

Whereas, approximately 500,000 youngsters from 50,000 schools serve on AAA School Safety Patrols, and 31 foreign countries now have Patrol programs; and

Whereas, the AAA School Safety Patrol service program has been credited with helping to achieve the dramatic decrease in pedestrian death rates for children between the ages of five and 14 in the United States; and

Whereas, members of the AAA School Safety Patrol selflessly devote their time and safeguard the lives of fellow classmates walking to and from school and the school bus stop; and

Whereas, members of the AAA School Safety Patrol perform a valuable community service every day of the school year in a responsible, effective manner; and

Whereas, the AAA School Safety Patrol program acquaints children with a better knowledge of traffic hazards and safe pedestrian practices; and

Whereas, the program offers young citizens the opportunity to assume responsibility in the community; and

Whereas, motorists must be alert for children at school crossings, review and follow the rules of the road as they apply to school zones, and respect AAA Safety Patrol members performing their duties;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 24-30, 1998, as SCHOOL'S OPEN SAFETY WEEK in Illinois.

Issued by the Governor August 4, 1998.

Filed by the Secretary of State August 14, 1998.

98-451

AMERICAN BUSINESS WOMEN'S DAY.

Whereas, the American Business Women's Association (ABWA) was founded to recognize the achievements and contributions made by working women; and

Whereas, the ABWA promotes the professional, educational, cultural and social advancement of business women; and

Whereas, advancement and promotion must be earned and members are encouraged to improve themselves through education, formal and informal, so they will be qualified for advancement; and

Whereas, the Tri Charter Chapter of the ABWA has been chartered for two years, during which time they have awarded many scholarships; and

Whereas, the ABWA is celebrating its anniversary on September 22;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 22, 1998, as AMERICAN BUSINESS WOMEN'S DAY in Illinois.

Issued by the Governor August 5, 1998.

Filed by the Secretary of State August 14, 1998.

98-452

DYSTONIA AWARENESS WEEK

Whereas, dystonia is a neurological disorder in which powerful involuntary muscle spasms twist parts or all of the body; and

Whereas, such spasms are always disabling and often very painful; and

Whereas, the cause of dystonia is unknown and there is no known cure; and

Whereas, those who suffer from dystonia, their families, and their friends have formed the Dystonia Medical Research Foundation to help each other and to seek the cause and cure; and

Whereas, the public knows little about dystonia, which may affect as many as 300,000 people in North America; and

Whereas, many citizens react to the physical manifestations of dystonia by avoiding those who have this disorder, causing the sufferers to experience isolation and suffer grave psychological harm; and

Whereas, greater recognition and understanding of dystonia, both in the medical and the lay communities, is highly desirable; and

Whereas, widespread public support of efforts to find the causes and cure of dystonia is needed;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 11-18, 1998, as DYSTONIA AWARENESS WEEK in Illinois and urge all citizens to learn everything they can about this disorder and to aid and support to the best of their ability those who suffer from it.

Issued by the Governor August 5, 1998.

Filed by the Secretary of State August 14, 1998.

98-453

THE YEAR OF OLDER PERSONS

Whereas, it is a tradition for Illinois to join the nation during a time set aside to honor our older citizens, recognize their continued contributions and call attention to the issues that affect them most; and

Whereas, the United Nations has designated the year 1999 as the "International Year of Older Persons 1999", with the theme "towards a society for all ages"; and

Whereas, aging is a life-long process and preparation for old age begins in childhood and continues throughout the life cycle; and

Whereas, older individuals are entitled to aspire to and attain the highest possible level of health and recognizing that with increasing age some individuals will need comprehensive community and family care; and

Whereas, we are optimistic that the coming decade will see an increase in partnerships, practical initiatives and resources devoted to aging; and

Whereas, the aging of the state's population represents an unparalleled, but urgent, policy and program challenge to both public and private organizations to ensure that the needs of the aged and their human resource potential are adequately addressed;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim the year 1999 as THE YEAR OF OLDER PERSONS in Illinois to pay a special tribute to our older population, their families, neighbors and friends.

Issued by the Governor August 7, 1998.

Filed by the Secretary of State August 14, 1998.

98-454

AMERICAN CRAFT EXPOSITION DAYS

Whereas, the 14th Annual American Craft Exposition will be held on August 27-30, 1998, at the Henry Crown Sports Pavilion of the Northwestern University Campus in Evanston, Illinois; and

Whereas, the American Craft Exposition is a highly prestigious juried show with 900 applicants for 139 exposition booths; and

Whereas, the show educates the community about fine crafts in multiple media including ceramics, fiber wearable, fiber decorative, baskets, glass, jewelry, leather, metal, mixed media, wood and furniture; and

Whereas, the American Craft Exposition is considered one of the top three in the country and brings much prestige to Illinois, Chicago and Evanston; and

Whereas, artisans are able to showcase their work and speak directly with attendees to teach specifics about their unique craft; and

Whereas, proceeds from the show benefit Evanston Northwestern Healthcare and more than \$1,000,000 has been donated in 13 years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 27-30, 1998, as AMERICAN CRAFT EXPOSITION DAYS in Illinois.

Issued by the Governor August 10, 1998.

Filed by the Secretary of State August 14, 1998.

98-455

ARTHUR AND DOLORES DANOWSKI DAY

Whereas, Arthur Danowski was born on January 28, 1924, the son of Felix and

Anna Danowski; and

Whereas, Dolores Sitko was born on November 27, 1927, the daughter of John and Mary Sitko; and

Whereas, Arthur and Dolores were married on August 21, 1948, in Chicago, Illinois; and

Whereas, Arthur and Dolores Danowski currently reside at 4621 North Opal Avenue in Norridge, Illinois; and

Whereas, Arthur and Dolores have four sons and three daughter-in-laws, Dennis, Paula, Ken, Nina, Daniel, John and Carol; and

Whereas, from their children, they have four grandchildren, Brandon, Justin, Christine and Danielle; and

Whereas, Arthur and Dolores will be celebrating their 50th Wedding Anniversary on August 21, 1998; and

Whereas, Arthur and Dolores will be joined by their loved ones for a surprise 50th Anniversary Party on August 15, 1998; and

Whereas, on this special occasion, Arthur and Dolores' family wish to thank them for the many years of happiness and the unforgettable memories the family has been able to share;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 21, 1998, as ARTHUR AND DOLORES DANOWSKI DAY in Illinois in honor of their 50 years of marriage and wish them many years of happiness for the future.

Issued by the Governor August 10, 1998.

Filed by the Secretary of State August 14, 1998.

98-456

PRAMUKH SWAMI MAHARAJ DAY

Whereas, the Hindu community of the Chicagoland area and Midwest United States is celebrating the MANDIR MAHOTSAV, a foundation stone laying ceremony of Shree Swaminarayan Hindu Temple in Chicago; and

Whereas, the Shree Swaminarayan Mandir of Chicago joins the spiritual community of our state and fulfills the aspirations of the growing Hindu community, including over 200,000 families of Indian origin in the State of Illinois; and

Whereas, under the inspiration of His Divine Holiness, Pramukh Swami Maharaj, Bochasanwasi Shree Akshar Purushottam Swaminarayan Sanstha has over 459 temples worldwide and 40,000 volunteers; and

Whereas, His Divine Holiness, Pramukh Swami, has inspired construction of several hospitals, flood and earthquake relief centers, schools, student hostels and various social services; and

Whereas, several honors and recognitions were conferred on Indian saint of the century, His Divine Holiness, Pramukh Swami Maharaj, for inspiring lives of millions all over the world to lead life free of any addictions, encouraging strong family values with mutual respect; and

Whereas, Swaminarayan Hindu Temple of Chicago will have a spiritual center, social center, and cultural center built with traditional Indian architecture; and

Whereas, the celebration will be witnessed by several dignitaries, national and international, from India and the United States, laying a foundation of the great cultural heritage of India in Chicago with the grace of His Divine Holiness, Pramukh Swami Maharaj and Saints;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August

16, 1998, as PRAMUKH SWAMI MAHARAJ DAY in Illinois.

Issued by the Governor August 10, 1998.

Filed by the Secretary of State August 14, 1998.

98-457

POLISH YOUTH ASSOCIATION DAY

Whereas, the Polish scouting movement was founded in 1910 in Poland and the first Polish scouting troops in United States of America were inaugurated after World War II in 1949; and

Whereas, in honor of the 50th anniversary, the Polish Scouting Organization ZHP, Inc. will celebrate with a jamboree on August 11, 1998, at the Boys Scouts of American Camp in Newark, Ohio; and

Whereas, the Polish Youth Association in Chicago, as a part of the Polish Scouting Organization ZHP, is located at the 6434 W. Belmont Avenue in Chicago, Illinois; and

Whereas, the Polish Youth Association has given children the opportunity to learn and discover the Polish language, tradition, heritage and culture; and

Whereas, Elizabeth Ciekowski, President of the Polish Youth Association, is to be commended for her dedication and commitment to the young people of the Polish American community of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 11, 1998, as POLISH YOUTH ASSOCIATION DAY in Illinois.

Issued by the Governor August 11, 1998.

Filed by the Secretary of State August 14, 1998.

98-458

GENE BERGSCHNEIDER DAY

WHEREAS, Gene Bergschneider has been involved in the beef industry for over 50 years; and

WHEREAS, he has spent his lifetime maintaining and improving the registered Hereford herd established by his grandfather in the 1930's, and now his own grandchildren are showing cattle; and

WHEREAS, Gene was active as a youth in New Berlin 4-H and FFA, and he was selected as Best Beef Showman at the 1951 Sangamon County 4-H Show; and

WHEREAS, he was a member of the Farm House Fraternity at the University of Illinois where he was chosen as Grand Champion Showman at the Hoof & Horn Club's Spring 1956 Show Contest, and graduated in 1957. Gene was involved with showing the university's steers at the International Livestock Exhibition; and

WHEREAS, Gene was honored by the Springfield Jaycees as Outstanding Young Farmer in 1966; and

WHEREAS, Gene operates the family farm with his brother and two sons; and he and his wife, Darlene, have four sons and four grandchildren; and

WHEREAS, he is active in community affairs. He is a member of the New Berlin Community Club, St. John's Lutheran Church, a former school board member, and was inducted into the New Berlin Sports Hall of Fame in 1997; and

WHEREAS, Gene is now a director and beef superintendent of the Sangamon County Fair and a director of the Illinois Hereford Association; and

WHEREAS, Gene Bergschneider has been a fixture at Central Illinois county fair beef shows and the Illinois State Fair since his youth, and he is a

50-year Hereford exhibitor this year at the Illinois State Fair;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim August 15, 1998, as GENE BERGSCHNEIDER DAY in Illinois.

Issued by the Governor August 13, 1998.

Filed by the Secretary of State August 21, 1998.

98-459

RALPH SPENCER DAY

WHEREAS, Ralph Spencer, son of Jess and Mayme Spencer, is a 1940 graduate of Carlinville High School where he was a four-year member of FFA; and

WHEREAS, Ralph, his wife, Faye, and his parents are all lifetime residents of Macoupin County; and

WHEREAS, Ralph has shown durocs continuously at the Illinois State Fair since his first duroc gilt took second place over 60 years ago at his first purebred pig exhibit. The second year another of his gilts took first place making duroc swine his family's choice in purebred swine; and

WHEREAS, he was awarded the Illinois Seedstock Producer Award for 1984; and WHEREAS, Ralph is past president of the Illinois Duroc Association and served on the Illinois Pork Producer Association board of directors. He is a member of the Macoupin County Pork Producers, has served on the Macoupin County Fair Board and is past superintendent of the swine department for the county fair; and

WHEREAS, Mr. Spencer was inducted into the Illinois Purebred Swine Council's Hall of Fame for his contribution to the Illinois purebred industry; and

WHEREAS, Ralph has exhibited durocs at the Illinois State Fair for 60 years;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim August 17, 1998, as RALPH SPENCER DAY in Illinois.

Issued by the Governor August 13, 1998.

Filed by the Secretary of State August 21, 1998.

98-460

UKRAINIAN INDEPENDENCE DAY

WHEREAS, the Ukrainian community of the Chicago metropolitan area will be commemorating the 7th Anniversary of Ukraine's declaration of independence; and

WHEREAS, the program will commence with a religious service where dignitaries will speak; and

WHEREAS, the latter portion of the program will consist of outdoor artistic presentations by Ukrainian American singing and dancing groups; and

WHEREAS, Ukrainian Americans have played a significant role in the progress of Illinois and have proudly shared their culture, heritage and talents with our state; and

WHEREAS, we are grateful for their significant contributions to the advancement of the arts, science, business, medicine, and education to our state and its citizens; and

WHEREAS, Ukrainian Americans are citizens who still preserve their traditions, take pride in the history of freedom, and believe in equality and human rights;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim August 24, 1998, as UKRAINIAN INDEPENDENCE DAY in Illinois.

Issued by the Governor August 13, 1998.

Filed by the Secretary of State August 21, 1998.

98-461

FIREFIGHTERS APPRECIATION MONTH

"Not a gift of a cow, nor a gift of land, nor yet a gift of food, is so important as the gift of safety, which is declared to be the great gift among all gifts in this world." Panchatantra (c. 5th century)

WHEREAS, firefighters are prepared to sacrifice their lives at all times in their professional service to their communities; and

WHEREAS, their immense contributions, both of personal risk and time devoted to public service need to be acknowledged; and

WHEREAS, last year, firefighters in more than 100 Illinois communities raised and donated more than \$200,000 for the Muscular Dystrophy Association (MDA);

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim August 1998 as FIREFIGHTERS APPRECIATION MONTH in Illinois in conjunction with MDA's recognition of their efforts.

Issued by the Governor June 14, 1998.

Filed by the Secretary of State June 21, 1998.

98-462

HUMAN FACTORS AND ERGONOMICS WEEK

WHEREAS, from October 5-9, 1998, the State of Illinois will welcome to Chicago attendees to the 42nd Annual Meeting of the Human Factors and Ergonomics Society; and

WHEREAS, the Human Factors and Ergonomics Society, which has nearly 5,000 members, focuses the application of human characteristics such as capabilities, limitations, motivations and information processing on the design of a wide variety of systems and products ranging from airplanes to telephones, power plants to roadways, medical instruments to personal computers, and complex machines to industrial environments; and

WHEREAS, many Illinois companies and educational institutions rely on human factors and ergonomics professionals for the development of people-centered technologies and the employment opportunities they create; and

WHEREAS, approximately 1,500 human factors and ergonomics professionals and students will participate at the plenary sessions, technical programs and tours, and social events of the 42nd Annual Meeting;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 5-9, 1998, as HUMAN FACTORS AND ERGONOMICS WEEK in Illinois.

Issued by the Governor August 14, 1998.

Filed by the Secretary of State August 21, 1998.

98-463

JACQUELINE AND WILLIAM KIRCHGESSNER DAY

WHEREAS, Jacqueline Elizabeth Mohr and William Francis Kirchgessner were

joined in holy matrimony on September 18, 1948. Their first date was on New Year's Eve in 1946; and

WHEREAS, they consider one of the greatest strengths in their marriage to be the compromise of 50 percent give and 50 percent take; and

WHEREAS, Jacqueline and William have three children, William Vincent, Mary Elizabeth, and Patricia Anne; and

WHEREAS, they have six grandchildren, William Jacob, Katherine Rose, John Michael, David Joseph, Ryan Matthew, and Amy Lynn; and

WHEREAS, Mr. and Mrs. Kirchgessner will celebrate their 50th Anniversary on September 18, 1998;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim September 18, 1998, JACQUELINE AND WILLIAM KIRCHGESSNER DAY in Illinois.

Issued by the Governor August 14, 1998.

Filed by the Secretary of State August 21, 1998.

98-464

LEUKEMIA AWARENESS MONTH

WHEREAS, the Illinois Chapter of the Leukemia Society of America promotes awareness of leukemia and its related cancers in this state; and

WHEREAS, the Society supports many successful measures to find a cure for the disease; and

WHEREAS, the Society actively supports the research activities of four noted scientists and provides patient aid for more than 1,100 patients across the State of Illinois; and

WHEREAS, through recent advances in research, the survival rates for leukemia and Hodgkin's disease have increased to 79 percent for children and over 50 percent for adults; and

WHEREAS, through continued awareness and research, the Society hopes to develop a cure for the disease by the year 2000 and to improve the quality of life of patients and their families; and

WHEREAS, in order to increase the awareness of leukemia, the Society will be presenting public information programs, holding bone marrow registrations, and distributing educational materials to the general public through the month of September;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim September 1998 as LEUKEMIA AWARENESS MONTH in Illinois.

Issued by the Governor August 14, 1998.

Filed by the Secretary of State August 21, 1998.

98-465

URUGUAY DAY

WHEREAS, August 25th is the 173rd Anniversary of the independence of Uruguay, a nation whose goals and objectives of freedom and democracy for its people are similar to those of the United States; and

WHEREAS, these two countries also share a long history of commercial ties, including Uruguay's invaluable assistance to the City of Chicago after its devastating fire in 1871; and

WHEREAS, as a trading partner with this country, Uruguay encourages the development of its resources, the enhancement of its agri-business, and the expansion of its industry to our mutual benefit; and

WHEREAS, Uruguay has been making significant strides to increase and expand its trade and cultural and educational ties with businesses and educational institutions in Illinois;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim August 25, 1998, as URUGUAY DAY in Illinois in celebration of this significant date in its history.

Issued by the Governor August 14, 1998.

Filed by the Secretary of State August 21, 1998.

98-466

AUSTRIAN NATIONAL DAY

WHEREAS, the Austrian American Councils was founded as a private organization in 1983; and

WHEREAS, the objective of the Austrian American Councils is to bring Austrians and American friends of Austria in the United States together and, by doing so, further and deepen the bonds of friendship between Austria and the United States; and

WHEREAS, today, there are Austrian American Councils or chapters in 43 of the United States; and

WHEREAS, the Austrian American Councils from all over the United States will hold their annual conference in celebration of Austrian National Day which is on October 26, 1998, at the Chicago Cultural Center from October 16-18, 1998;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 16, 1998, as AUSTRIAN NATIONAL DAY in Illinois.

Issued by the Governor August 17, 1998.

Filed by the Secretary of State August 21, 1998.

98-467

BOB AND LOIS BURROW DAY

WHEREAS, Robert William "Bob" Burrow was born March 6, 1926, in Long Beach, California, the son of Alexander and Gertrude Burrow; and

WHEREAS, Lois Murial Eich was born April 23, 1926, in Riverside, California, the daughter of John and Lydia Eich; and

WHEREAS, Bob and Lois were married on August 21, 1948, in Riverside, California; and

WHEREAS, Bob and Lois have four children, Bruce, Bonnie, Donna and Dale; and

WHEREAS, Bob and Lois also have four grandchildren, Kelly, Robert, Ryan and Lynsay; and

WHEREAS, during the summer, Bob and Lois reside in Lake Zurich, Illinois, and during the winter months, they reside in Fort Meyers, Florida; and

WHEREAS, Bob and Lois enjoy golf and boating in both Florida and Illinois; and

WHEREAS, Bob and Lois will celebrate their 50th Wedding Anniversary on August 21, 1998, with family and friends at the Embassy Suites Hotel in Schaumburg, Illinois; and

WHEREAS, on this special occasion, Bob and Lois' family wish to thank them for the many years of happiness, and the unforgettable memories the family has been able to share;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim August 21, 1998, as BOB and LOIS BURROW DAY in Illinois in honor of their 50 years of marriage and wish them many years of happiness for the future.

Issued by the Governor August 17, 1998.
Filed by the Secretary of State August 21, 1998.

98-468

EDWARD DYKLA DAY

WHEREAS, Edward G. Dykla will complete his tenure as a President of the Polish Roman Catholic Union of America on October 1, 1998; and
WHEREAS, for 12 years, Dykla led the Polish Roman Catholic Union of America, a fraternal society licensed in 24 states, which engages in many charitable, philanthropic and patriotic endeavors of benefit to the Polish American community; and

WHEREAS, Dykla graduated from Weber High School, received a bachelor's degree from Benedictine College in Kansas and pursued graduate studies at Loyola University, De Paul University and the University of Chicago; and

WHEREAS, Dykla was elected Secretary General and later Treasurer of the Polish Roman Catholic Union of America; and

WHEREAS, Dykla enhanced the international reputation of the Polish Roman Catholic Union of America participating in important international meetings with Pope John Paul II, President Lech Walesa and five American presidents; and

WHEREAS, Dykla was a recipient of many awards such as Distinguished Award of Appreciation from the Polish American Police Association, Citizen's Award from the Chicago Police Association, Presidential Award from Am-Pol Eagle, Fidelitas Medal from Orchard Lake Schools, Order of Merit from the Republic of Poland and Equestrian Order of the Holy Sepulcher of Jerusalem, and was named "Man of the Year" by St. Mary of Nazareth Hospital; and

WHEREAS, Dykla was listed in Who's Who in American Universities and Colleges, Who's Who of the American Catholic, Who's Who Among U. S. Executives and Who's Who in America; and

WHEREAS, Edward Dykla is to be commended for his dedication and commitment to the Polish American community in the United States as well as to the citizens of Poland;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1, 1998, as EDWARD DYKLA DAY in Illinois.

Issued by the Governor August 17, 1998.
Filed by the Secretary of State August 21, 1998.

98-469

ILLINOIS SOCIETY FOR RESPIRATORY CARE WEEK

WHEREAS, the Illinois Society for Respiratory Care is a well-known organization of respiratory care practitioners who practice throughout our state; and

WHEREAS, the Illinois Society for Respiratory Care is a extensive number of lifesaving and life-supporting activities, including care for patients diagnosed with asthma, emphysema, pneumonia, and various lung disorders, as well as for seriously ill patients who have suffered cardiac or respiratory arrest; and

WHEREAS, respiratory care practitioners are a vital and important link in our nation's health care delivery system;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 4-10, 1998, as ILLINOIS SOCIETY FOR RESPIRATORY CARE WEEK in Illinois.

Issued by the Governor August 17, 1998.
Filed by the Secretary of State August 21, 1998.

98-470

JAY THOMPSON DAY

WHEREAS, James "Jay" D. Thompson has served the community of East Peoria for the past 25 years; and

WHEREAS, James "Jay" D. Thompson has served the people of Illinois through his involvement in various state organizations as well as his contribution to the Tazewell County Republican Party; and

WHEREAS, James "Jay" D. Thompson has consistently demonstrated himself to be a public official worthy of emulation; and

WHEREAS, the people of the State of Illinois would like to provide due recognition to James "Jay" D. Thompson upon retirement;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim Saturday, August 29, 1998, as JAY THOMPSON DAY in Illinois in appreciation and recognition for 25 years of service.

Issued by the Governor August 17, 1998.
Filed by the Secretary of State August 21, 1998.

98-471

MCELROY FAMILY REUNION DAYS

WHEREAS, the McElroy Family Reunion Club of Chicago is celebrating its 44th annual festivities this year in the City of Chicago; and

WHEREAS, the McElroy Family Reunion Club strives to promote family love and unity, thus instilling a sense of family pride, good citizenship, and quest for excellence in their children; and

WHEREAS, the McElroy Family Reunion will result in over 200 visitors to the State of Illinois, including family members from the Virgin Islands, Ohio, Georgia, Maryland, Washington, D.C., Texas, Wisconsin, Philadelphia, New Jersey, New York, Michigan, California, and Washington; and

WHEREAS, the McElroy Family Reunion will take place over the Labor Day Weekend;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim September 5-7, 1998, MCELROY FAMILY REUNION DAYS in Illinois.

Issued by the Governor August 17, 1998.
Filed by the Secretary of State August 21, 1998.

98-472

MR. AND MRS. FORREST KENT FUNDERBURKE DAY

WHEREAS, generation after generation have entered the state of matrimony and have been sustained through the physical, mental, emotional and moral support it can provide; and

WHEREAS, this lawful and sacred bond symbolizes a lifelong, loving commitment of sharing and caring; and

WHEREAS, Judy Lyons and Kent Funderburke have chosen to make this commitment to one another because of the love they share and both freely agree to accept, as partners, the solemn responsibilities such as a commitment requires;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim August 29, 1998, as MR. AND MRS. FORREST KENT FUNDERBURKE DAY in Illinois in recognition of the love, unity and mutual respect manifested by the exchange of vows by Judy and Kent on this memorable day.

Issued by the Governor August 17, 1998.

Filed by the Secretary of State August 21, 1998.

98-473

MOTHERS OF TWINS AND MULTIPLES WEEK

WHEREAS, for 38 years, the Mothers of Twins Club, a national organization with a nationwide membership of 23,500, has offered support to parents who face one of life's more unique situations; and

WHEREAS, the club focuses on bringing together parents, educators, and physicians to exchange information of the rearing, development, and recognition of the individuality of twins; and

WHEREAS, the club is hosting its 38th annual convention October 16-19, 1998, at Jumer's Hotel in Peoria, Illinois;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 12-18, 1998, as MOTHERS OF TWINS AND MULTIPLES WEEK in Illinois.

Issued by the Governor August 17, 1998.

Filed by the Secretary of State August 21, 1998.

98-474

NINA AND YACOB ELAIA DAY

WHEREAS, Nina and Yacoub Elaia were both born in Baghdad, Iraq; and

WHEREAS, Nina and Yacoub were married on August 9, 1948; and

WHEREAS, Nina and Yacoub immigrated to the United States on February 6, 1970, with their daughters, Susie Mkrdichian, Mary Gelyana, Janey Mirza and May Elaia; and

WHEREAS, the Elaia's currently reside in Buffalo Grove, Illinois, while the remainder of the family resides in the Chicago metropolitan area; and

WHEREAS, Yacoub Elaia, an accountant, worked for the American Embassy in Baghdad, Iraq; and

WHEREAS, Nina Elaia, a seamstress, immigrated to the United States on an employment visa; and

WHEREAS, Nina and Yacoub Elaia celebrated their 50th wedding anniversary on August 9, 1998; and

WHEREAS, Nina and Yacoub will be the guests of honor at a surprise reception on August 22, 1998; and

WHEREAS, on this special occasion, Nina and Yacoub's family wish to thank them for the many years of happiness, and the unforgettable memories the family has been able to share;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim August 22, 1998, as NINA AND YACOB ELAIA DAY in Illinois in honor of their 50 years of marriage and wish them many years of happiness for the future.

Issued by the Governor August 17, 1998.

Filed by the Secretary of State August 21, 1998.

98-475

SOUTHERN GOSPEL MUSIC MONTH

WHEREAS, Southern Gospel music is a cherished American musical tradition. It celebrates the traditional values Americans have cherished and believed in for more than two centuries; and

WHEREAS, emerging during the early years of this century, sung by church quartets and traveling family groups, today's Southern Gospel music encompasses styles ranging from traditional four-part male quartet harmonies with piano accompaniment to modern country and orchestral stylings; and

WHEREAS, many groups are on the road each weekend throughout America, and especially Illinois, singing Southern Gospel music in churches and concert halls; and

WHEREAS, more than a thousand American radio stations play Southern Gospel music regularly; and

WHEREAS, more Americans are attending concerts and purchasing Southern Gospel recordings than ever before, and Southern Gospel music has never been more popular among Americans than it is today;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim September 1998 as SOUTHERN GOSPEL MUSIC MONTH in Illinois.

Issued by the Governor August 17, 1998.

Filed by the Secretary of State August 21, 1998.

Rules acted upon during the period from August 7 (Issue 32, 1998) through October 9, 1998 (Issue 41) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

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